BROADCASTING
The Weekly Newsmagazine of Radio
Broadcast Advertising

JUN 8 - 1942
DETROIT

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STANDOUT

"KLZ, Denver, impressed as one of the most alert stations in the Rocky Mountain region, selling the listeners with timely promotion and servicing advertisers with a variety of promotional activity," says The Billboard, commenting on KLZ's award in the Fifth Annual Radio Exploitation Survey.

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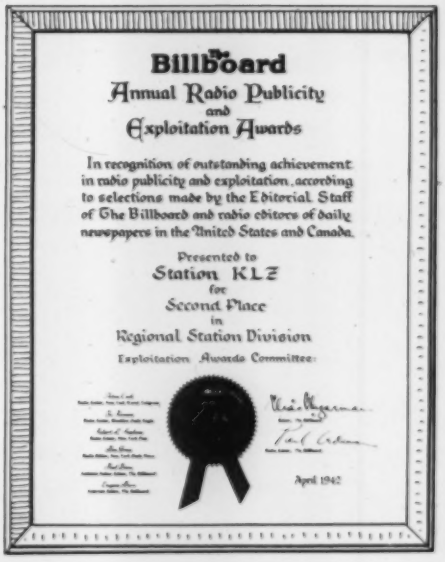
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April 1942

KLZ

DENVER

5,000 WATTS—560 Kc.

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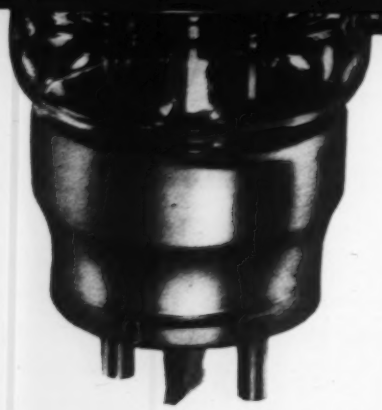

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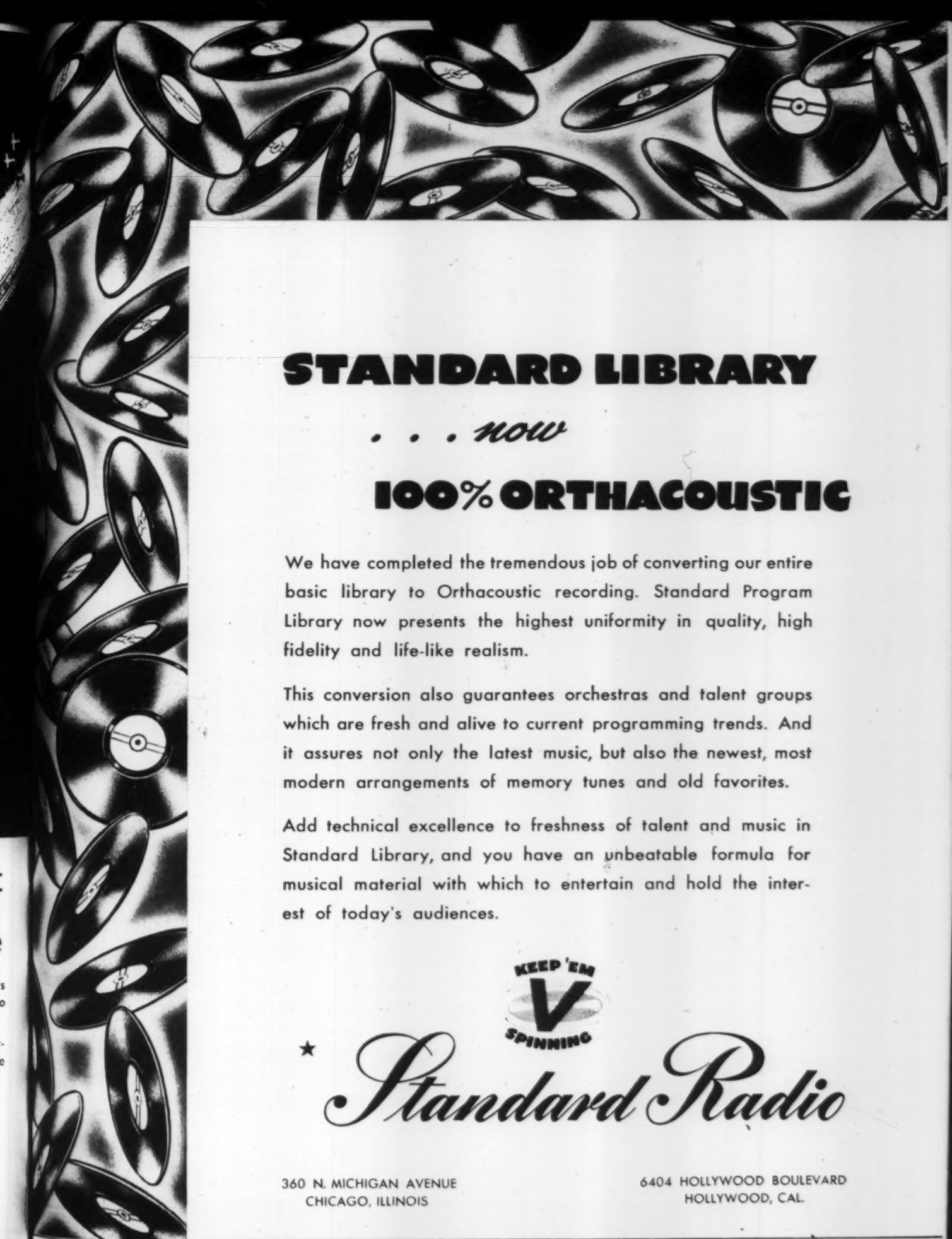

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XUM

"Souvenirs" from Niagara . . .

Sales for you right here . . .

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Honeymooners go to Niagara Falls—and so do the far-flung programs of WWL, New Orleans. We have post-marks to substantiate our plus-coverage all over the Western Hemisphere.

For a real torrent of sales, however, WWL users need look no further than the key city of the Deep South. Unchallenged leadership in power, listener loyalty, and *results* combine to make WWL—

The greatest selling POWER in the South's greatest city

CBS Affiliate—Nat'l. Representatives, The Katz Agency, Inc.

BROADCASTING

The Weekly Newsmagazine of Radio Broadcast Advertising

VOL. 22 • NO. 23 JUNE 8, 1942

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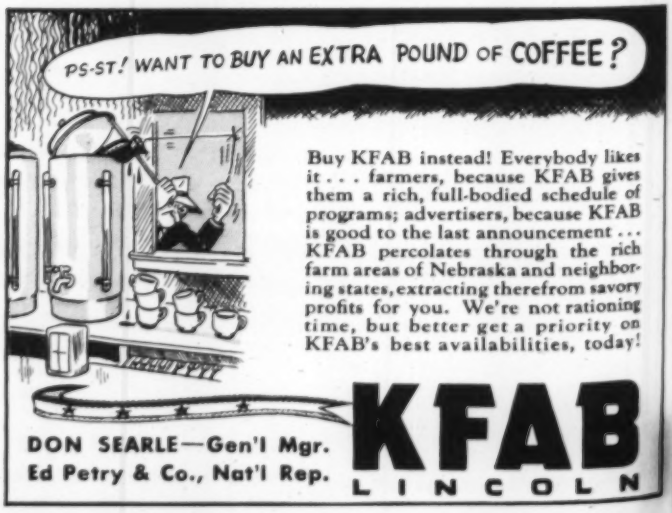
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WSM, a part of the great Fifth Estate, is proud of its contributions to Victory. And Radio is keeping everlastingly at it to get a big job done in the shortest possible time, effectively - efficiently!

WSM

HARRY L. STONE, Gen'l. Mgr. NASHVILLE, TENNESSEE

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THE NATIONAL LIFE AND ACCIDENT INSURANCE COMPANY, INC.
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OWNER AND GENERAL MANAGER, WKZO, KALAMAZOO

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1 year, Graduate School, University of Michigan
1930, Organized Station WKZO, Kalamazoo
President, Kalamazoo Chamber of Commerce
National Councilor, U. S. Chamber of Commerce
Member, Board of Directors, N. A. B.
Chairman, N. A. B. War Committee
Member of the the Board, Broadcasters' Victory Council
Member, Institute of Radio Engineers
Member, American Institute of Electrical Engineers
Member, American Society of Military Engineers

JUDGING from the Herculean tasks to which he has set himself ever since his school-boy days, John Fetzer's personal philosophy must be: *"If you want a thing well done, learn to do it perfectly yourself."* . . . A profound student of radio in all its phases, John easily qualifies as an expert in engineering, commercial management, production and even programming. He is without doubt one of the most accomplished and versatile men in the entire radio industry.

Versatility, in this day of over-specialization, is a rare and valuable characteristic for any man or any organization. It provides a broader usefulness and a sounder judgment than is possible under one-track conditions. Here at F&P, for instance, both we and our customers benefit every day from the fact that our organization is made up of successful men from almost every branch of industry. Our combined experience in business, in manufacturing, in advertising and in merchandising enables us to understand *your* problems—to collect the facts that are pertinent to your particular operation—to work with you as a partner, in mutual respect and confidence.

That, we believe, is the highest function of any successful radio sales-organization. And that is the way we intend to *stay* successful, here in this group of pioneer radio-station representatives.

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WTCN	MINNEAPOLIS-ST. PAUL
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BROADCASTING
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Vol. 22, No. 23 WASHINGTON, D. C., JUNE 8, 1942 $5.00 A YEAR—15c A COPY

Full Court Review to Be Given Net Rules

Second Blow Given FCC by Supreme Court

HANDING the FCC its second juridical jolt within two months, the Supreme Court of the United States on June 1 sent the FCC's chain-monopoly regulations back to the Federal District Court in New York for full review on the merits.

Reversing the statutory three-judge court in New York, the Supreme Court divided 5-to-3 on the question of the lower court's jurisdiction. It unceremoniously rejected the FCC's contention that its chain-monopoly rules had not caused injury, and held that in promulgating them the FCC had served notice of its intention to cancel licenses of stations which entered into contracts with NBC or CBS not in conformity with the rules.

Further Appeal

Either way the case is eventually decided on the merits in the court below, another appeal to the Supreme Court is foreseen, barring a negotiated settlement between the FCC and the litigants. The Supreme Court decided the narrow issue of jurisdiction and held that the court below had erred in dismissing the NBC-CBS appeals.

Should the lower court, after trial, hold that the FCC exceeded its power in attempting to regulate contractual relations between affiliates and networks, it is predicted that the FCC, probably joined by MBS as intervenor, will seek a review on certiorari before the Supreme Court.

Should the lower court, on the other hand, decide against the networks and uphold the Commission's power, it is a foregone conclusion that CBS and NBC will seek final ruling by the highest tribunal.

The Supreme Court ordered the three-man lower court to stay the FCC's regulations "on terms to be settled", which presumably means for the duration of the litigation. Observers foresaw a lapse of perhaps a year before final adjudication.

Regarded as the most significant aspect of the decision was the court's determination that the FCC itself is bound by its own regulations, whether or not they are invoked. "Such regulations have the force of law before their sanctions are invoked as well as after," said the majority.

Lawyers interpret this to mean that the FCC cannot issue regulations and then hold them in abeyance to serve its own ends. Charges made in the past that the FCC has used policy pronouncements as a means of forcing stations voluntarily to comply, without invoking them, come within the purview of this highly significant and unprecedented conclusion of the Supreme Court. It has a bearing, for example, on such vital policy issues as newspaper ownership, multiple ownership and other policy pronouncements of the FCC not actually invoked by regulation.

Full texts of the U. S. Supreme Court's opinions in the network monopoly cases will be found on pages 50-57.

Ordinarily, the Supreme Court's mandate would not issue to the lower court for 25 days. At the request of FCC General Counsel Telford Taylor, however, the parties have agreed to ask the court to expedite this procedure in the hope of procuring preliminary action at least before the New York tribunal recesses this month.

The FCC has pending before the New York court a motion for summary judgment, a rarely invoked process whereby the court is asked to decide the litigation on the FCC's hearing record as it stands. This, however, is vigorously opposed by the plaintiffs. CBS has indicated it will seek a full hearing on the merits, going into perhaps weeks of direct testimony. NBC, it is assumed, would prefer a full trial, since the contention has been made that the FCC's report and regulations were not consistent with the testimony adduced at the original hearings.

Second FCC Defeat

Chief Justice Stone wrote the majority opinions both in the cases of CBS and NBC, and was joined by Associate Justices Roberts, Murphy, Byrnes and Jackson. Associate Justice Frankfurter wrote a detailed dissenting opinion, upholding the lower court which previously had sustained the FCC's motion to dismiss for want of jurisdiction. Joining Justice Frankfurter were Associate Justices Reed and Douglas. Associate Justice Black did not participate, presumably because his brother-in-law, C. J. Durr, is a member of the FCC. It was the second defeat for the FCC in radio litigation during the current term of the Supreme Court. On April 6, on the appeal of Scripps-Howard Radio against the FCC, the court handed the broadcasting industry a clear-cut legal victory in upholding the right of the U. S. Court of Appeals for the District of Columbia to issue stay orders against decisions of the Commisison whenever it deems the circumstances warrant [BROADCASTING, April 13].

In holding that CBS and NBC acted properly in appealing under the Urgent Deficiencies Act to the statutory three-judge court in New York, the Supreme Court majority sent the case back to that tribunal for hearing on the merits. That means, barring a negotiated settlement, that the three-judge court will hear the case *de novo*, or from the beginning. It either can take detailed testimony of witnesses for all sides, or have certain of the testimony stipulated for the record. Ordinarily, it would be a long-drawn-out proceeding, probably entailing several weeks of hearing.

It is presumed the same three-judge court which divided 2-to-1 on the question of jurisdiction in favor of the FCC last Feb. 21 [BROADCASTING, Mar. 2] will try

War Manpower Board May Defer Certain Radio Classes

THAT CERTAIN CLASSES of radio employes may be declared essential to the war effort, and thus almost automatically be deferred from military service, was indicated by activities of the newly-created War Manpower Commission last week.

It was stated by the WMP, which is headed by Paul V. McNutt, that a list of critical occupations and industries can shortly be expected from the Commission, possibly within a week. The list, it was said, will be sent to the U. S. Employment Service to be transmitted to all State branches.

FCC Advice Asked

From sources close to Administration circles, it was learned that the FCC had received a memorandum from the WMP and had been asked to advise that body regarding radio employe classifications it deems should be included in the manpower categorical list.

According to the tentative plan of the WMP, its listing will be used as a guide for local draft boards who will check with Employment Service offices in determining the status of potential draftees. Persons falling in the WMP classifications are expected to receive almost automatic deferment.

Also pointing to "blanket" deferments, which so far has not been a practice of Selective Service, is the growing sentiment in Congress for more definite powers for Selective Service. It has been pointed out that Selective Service is still working on a peacetime basis and can issue only "directives" to local boards. Under a plan now being considered, Selective Service headquarters would be able to issue orders to local boards and discretion allowed them previously would be greatly diminished. Thus Selective Service and the WMP would work hand-in-hand in restricting local board activities.

No information was forthcoming from the FCC on the purported WMP memorandum but it was felt that this was due to a wish to offset inquiries until final plans of the WMP have been determined.

the proceedings on its merits. This court comprised Circuit Judge Learned Hand, presiding, and District Judges Henry W. Goddard and John Bright. Under ordinary procedure, the case, by virtue of having been invoked under the Urgent Deficiencies Act, would be considered with greatest possible dispatch, with an early trial set.

The majority relied heavily on the injury done the major networks and their affiliated stations in reversing the court below. It sustained, in effect, the contention of Judge Bright that the appeal in equity was proper under Section 402 (a) of the Act. The fact that both networks had received notices of cancellation of contract from affiliates because of the FCC rules, even though they had not become effective, was viewed by Chief Justice Stone and his colleagues as ample support for the claim that injury had resulted.

The main opinion was handed down in the CBS case, which went all-out in its attack on the FCC regulations. NBC, on the other hand, largely restricted its appeal to the time option provision, the FCC having disposed of most of the other controversial provisions through postponements or modifications of the rules. Therefore, the majority issued only a two-page opinion in the NBC case, as against a 16-page opinion in respect to CBS.

Possible Developments

The Frankfurter dissent ran 15 pages and took a diametrically opposite view, holding that the regulations did not constitute a final order and that the agreeing parties would have had proper recourse under Section 402 (b) of the statute, rather than 402 (a). In substance, the minority held that the networks were in the wrong court prematurely.

There is the possibility that the FCC and the party litigants, in the light of the conclusive Supreme Court opinion as well as the tempo of the times, will seek to avoid hearing on the merits in the lower court. The FCC, for example, might elect to drop the whole matter for the duration, though this is regarded as remote. Conversations may be opened with NBC and CBS to modify the rules in acceptable fashion, picking up where these negotiations left off a year ago when the networks decided to go into court after futile conversations with FCC Chairman James Lawrence Fly and his legal staff, mainly on the time option provisions.

Initially, NBC was hardest hit by the eight punitive regulations. Subsequent postponement by the FCC of the rules requiring disposition of one of its two networks (since separated, with the BLUE functioning independently as an RCA subsidiary), and of the requirement that it promptly dispose of second stations in principal markets and of stations owned or operated in other than key cities, left only the time option provision

(Continued on page 67)

RADIO EMBLEMS ARE POPULAR

General Approval Given Plan to Distribute Badges for Station Personnel

"A SWELL idea. . . ."

"Has made a big hit with our organization. . . ."

"A wonderful tribute to radio."

These are some of the comments of radio executives concerning the "Radio—In Service of Home and Nation" lapel emblem which was originated by WGAR-WJR for the NAB convention in Cleveland, and which BROADCASTING has undertaken to distribute to the industry.

Since the announcement in last week's issue that the pins would be available at 60 cents each through BROADCASTING, cooperating with WGAR-WJR in the non-profit distribution, letters have come from every part of the country.

Favorable Comment

Typical of the enthusiastic response are these excerpts:

"We believe that every member of our staff should have one because it symbolizes what part radio is playing in the war effort."—Simon Goldman, WJTN.

"One of the swellest bits of promotion ever witnessed by the broadcasting industry. The pin is so attractive that everyone here at WBNY is clamoring for one. Kindly order 30 more pins for WBNY."—Roy L. Albertson.

"The lapel emblem I brought back from the convention has made such a hit with members of our staff that I am having difficulty in keeping it."—Hugh O. Potter, WOMI.

"While attending the NAB convention in Cleveland I was very much impressed with the emblems . . . we might design something along the same line in Canada."—T. A. Evans, Canadian Assn. of Broadcasters.

"Your lapel button certainly created considerable comment and a number of the boys in our organization would like to have such a button."—Bob Mason, WMRN.

"A marvelous gesture . . . would like to get a price on lots of 100 and 200."—Ralph R. Brunton, KQW.

"Your attractive lapel button has made a big hit with the organization."—J. C. Tully, WJAC.

"Here is our check for $30 for 50 silver lapel emblems. Our thanks to you for this service."—Woody Woods, WHO.

Letters of commendation and order inquiries have also come from Gordon Brown, WSAY; F. W. Borton, WQAM; Aaron Bloom, Kasper-Gordon; Frank V. Webb, WOWO-WGL; Arthur Simon, WPEN; Lew Clawson, WWVA; George E. Joy, WRAK; E. Z. Jones, WBBB; H. W. Slavick, WMC; Charles R. Cook, WJPF; Mrs. Pat Roper, WGBF-WEOA; Ivor Sharp, KSL; Howard Stanley, WGAL.

Extensive Advertising Drive Is Planned To Promote Salvage of Iron and Steel

A $1,500,000 to $2,000,000 advertising campaign on salvage was announced Friday by Robert W. Wolcott, president of the Lukens Steel Co. and chairman of the scrap committee of the American Iron & Steel Institute. Campaign, organized by the iron and steel industry, is an educational drive of broad scope which will present the vital need for scrap iron and steel for war production and will also deal with rubber, non-ferrous metals, cooking fats, tin cans and other salvagable materials.

McCann-Erickson, New York, has been selected to handle the advertising campaign developed by Leo Burnett and a group of Chicago advertising agencies under the auspices of the Advertising Council. Mr. Burnett will continue to supervise the campaign through its initial stages. Advertising is expected to start early in July as one of the first industry-sponsored campaigns in behalf of a Government program. It has the approval of the Bureau of Industrial Conservation of the WPB.

The advertising will run in radio, newspapers, magazines, trade journals and farm papers and will be synchronized with the Government's own information program to put the facts on salvage before the people.

The over-all program initiated by the iron and steel industry will be coordinated with a special campaign on the salvage of cooking fats sponsored by the glycerine and associated industries, now being prepared by Kenyon & Eckhardt, New York. Radio will play an important part in this fat salvage drive the agency stated.

Satevepost Spots

CURTIS PUBLISHING Co., Philadelphia, last week started a spot campaign on 35 stations in selected markets to promote special articles appearing in the *Saturday Evening Post*. The one-minute announcements totalled 17 for the first week when the feature plugged was Jan Marsman's "I Escaped From Hong Kong", and further announcements will be placed on a varying scale on Tuesdays, Wednesdays and Thursdays. Placing the campaign on a week-to-week basis is BBDO, New York.

D. PORTER BIBB, formerly account representative of BBDO, New York, on the Lever Bros. Vimms account, and previously in charge of radio publicity for the agency, has joined the Advertising Council as project director.

CBS TO PROSECUTE CASE AGGRESSIVELY

CBS INTENDS to present "a full case on the merits" to the three-judge Federal district court in New York, to show that the network rules promulgated by the FCC are "arbitrary and capricious and will be destructive of all that is best in the American system of network broadcasting," William S. Paley, network president, declared last Monday following the Supreme Court opinion on the jurisdictional question.

Statements have not been forthcoming from other parties to the proceedings, including NBC, which along with CBS appealed from the regulations; the FCC, as defendant; and MBS, as intervenor on the side of the Government.

Mr. Paley's statement follows:

"We are naturally gratified by the Supreme Court's decision. It puts an end to the technical and procedural objections raised by the Commission and which have, until now, blocked any judicial review of the basic issues raised by the FCC network rules and the widespread evils which would result therefrom.

"We intend to present a full case on the merits to the Federal court in New York and to show that the network rules promulgated by the Commission are arbitrary and capricious and will be destructive of all that is best in the American system of network broadcasting. We believe that network broadcasting has performed, and is performing, a worthwhile and indispensible service to the public, and that the Congress never intended to grant to the FCC the power to disrupt this service."

FCC JURISDICTION LIMITED BY COURT

DECIDING the FCC had no right to "exercise jurisdiction not possessed by it", a three-judge Federal Court in Kansas City ruled May 28 that Congress had provided for the exemption of interstate interzone telephone rates in exchange areas from Federal powers.

This case, against the Southwestern Bell Co., has been pending for three years with the FCC contending it had jurisdiction to regulate the interstate interzone rate of the company in the Kansas City exchange area including the cities in both Missouri and Kansas. Furthermore, the court declared that it would issue a permanent injunction against the FCC to restrain its efforts to force Southwestern Bell to file interzone interstate tariffs for its Kansas City exchange area.

The court's decision also sustained the contentions of FCC Commissioners Case and Craven in the matter of Congressional scope which appeared in the dissenting opinion to the Commissions' report in the case on June 3, 1941.

JOHN PAUL DICKSON, MBS correspondent in Berlin who returned to America June 1 on the *S.S. Drottningholm*, collapsed last week after his appearance at the Overseas Press Club luncheon, and has entered Doctors Hospital, New York, for observation. His first radio appearance since his return, scheduled for June 5 on Mutual, had to be cancelled.

House Probe Covers MBS Operation

McCosker, Weber Recite Net's Competitive Problems

RESTIVE OVER the time being consumed by witnesses with lengthy prepared statements, the House Interstate Commerce Committee is anxious to complete its hearings on the Sanders Bill (HR-5497) but at least another week or two of testimony is indicated before work is begun on the drafting of new legislation to rewrite the Communications Act of 1934.

The three hearing days last week were given over to testimony of MBS, with Alfred J. McCosker, chairman of the MBS board and president of WOR, and Fred Weber, MBS general manager, as the only witnesses. Both supported the FCC regulations and opposed legislation that would deprive the Commission of any of its present powers. Both were subjected to rigid cross-examination, and it appeared evident to observers that the majority of the Committee was out of sympathy with their main contentions and particularly with the view that the Congress should not enact new legislation at this time.

Fly Delayed

Mr. Weber, as a matter of fact, did not complete presentation of his prepared statement but, upon repeated suggestion of Chairman Lea (D-Calif.) finally inserted about one-third of it in the record. He had been subjected to rigorous cross-examination during his appearances on Thursday and Friday. On the preceding day Mr. McCosker presented the over-all policy statement on behalf of MBS and during the afternoon session was cross-examined on many policy and competitive aspects of network broadcasting.

The "star witness" is yet to appear—FCC Chairman James Lawrence Fly. Originally scheduled to testify last week, the appearance was delayed because of the length of the MBS case. As things stand now, it is expected he will not testify until Thursday or Friday (June 11 or 12) if he is reached at all this week.

Next witness scheduled for Tuesday (June 9) is Louis G. Caldwell, general counsel for MBS. Both Messrs. Weber and McCosker referred many of the legal and technical questions propounded by Committee members to their attorney. Moreover, several members of the Committee served notice they proposed to ask him about the Sanders Bill itself, and more particularly on the advisability of clearly defining the limitations of FCC authority.

Also scheduled to testify before the FCC puts in its case is Paul D. P. Spearman, Washington attorney and counsel for Network Affiliates Inc. He proposes to answer previous testimony of Victor Sholis, for Clear Channel Broadcasting Service, and to tell the Committee there are "two sides" to the question of clear-channel operation. An appearance scheduled for Arthur Garfield Hayes, general counsel of American Civil Liberties Union, has been cancelled.

May Call Craven

Following the testimony of the two attorneys, Chairman Fly is to appear. It is understood he has prepared a lengthy statement. Usually he testifies extemporaneously before Congressional committees. It also has been indicated Mr. Fly may have a "technical witness" to answer questions raised regarding allocations procedures and related matters developed during examination of witnesses.

Running account of Sanders Bill hearings will be found starting on page 59.

More than likely, Commissioner T. A. M. Craven, who has consistently been in the minority along with Gov. Norman S. Case on FCC policy matters, will be asked to testify. Mr. Fly, it is generally felt, will project the views of the FCC majority, which normally includes himself and Commissioners Walker, Payne, Wakefield and Durr. Com. Craven voted against the network-monopoly regulations, the newspaper-ownership inquiry, and practically every other "reform" instituted in recent years by the majority.

Whether previous witnesses will desire to rebutt testimony of the FCC or of MBS is not known. Chairman Lea, however, had asserted at the outset of the hearings April 14 that opportunity for rebuttal would be allowed if necessary.

Support FCC Rules

Practically all of the McCosker and Weber testimony was directed toward the network-monopoly regulations rather than procedural provisions of the bill. They minced no words in their criticism of current network practices and Mr. McCosker asserted that if the FCC's rules, banning option time and exclusivity among other things, are not invoked "Mutual will not survive and it is not reasonable to expect that any other group will attempt to project or operate a national network."

As the hearings drew to their conclusion, there was some indication that the Cox Resolution (HR-426) for a full investigation of the FCC and its stewardship, was not entirely dead. It is still pending before the House Rules Committee, where it has reposed for several months. Rep. Cox (D-Ga.) has announced his intention of answering what he has described as an "attempted smear" by the FCC which stemmed from the disclosure that the Department of Justice was investigating charges that he improperly had represented WALB, Albany, Ga. At the time, Rep. Cox said he would answer Chairman Fly on the floor of the House at an appropriate time. He previously had charged the Chairman with attempts to "federalize communications and broadcasting" and with "maladministration of a good law."

Means to Bar Enemy Homing Via Broadcast Signals Studied

WITH THE IMMINENCE of air attacks on the Continent, the whole question of "radio silence" during air raids is being actively discussed in official quarters. Current practice places final responsibility in the interceptor commands in areas under siege. On the West Coast, immediately following the Dutch Harbor attacks of last week, radio silence was invoked at night down the entire coast.

Study has been given to some method of synchronizing broadcast stations to prevent enemy planes from using the radio signals as homing beacons. This matter, for example, has been thoroughly canvassed by the Domestic Broadcasting Committee (No. IV) of the Defense Communications Board and a number of projects looking toward "scrambling" of frequency assignments to make the the signals unintelligible to raiding planes have been analyzed.

Because considerable additional experimental work is entailed in testing plans, such as the use of a plane as a flying laboratory for the purpose, more than likely the War Dept. will be asked to reappraise the whole question of policy with regard to station operation during air raids or when they are believed imminent. If the Army decides that as a matter of policy it would not be disposed, under any circumstances, to permit stations to operate, then the experimentation would be futile.

Should the Army, on the other hand, conclude that if proper safeguards are applied, it would allow stations to operate, then it is expected a broad-gauged experimentation will be authorized.

The argument has been advanced, though not entirely settled, that operation of stations during an air raid would have a salutary effect on morale. Both military and civilian defense authorities, this school holds, would find it decidedly advantageous to use radio as a means of instructing the public. This has been done effectively, it is understood, in England where the synchronization system has been worked but the problem there is different because of the highly concentrated population.

Guild Aids Control

FULL cooperation with the efforts of the Foreign Language Broadcasters Wartime Control has been offered by George Zachary, president of the Radio Directors Guild, who stated that the services of any foreign language radio directors who are members of the RDG and not involved in other Government work, will be available to the control committee.

SWITCH OF WBZ to BLUE June 15 is discussed by this group of NBC and Westinghouse Radio Station executives, together with Westinghouse agency men. They are (l to r): Harry Goodwin, sales promotion manager of WBZ; Charles B. Brown, NBC sales promotion manager; Gene Stafford, WBZ publicity manager; George Harder, advertising and publicity manager of Westinghouse Radio Stations; Ned Rogers, Gray & Rogers, Philadelphia; Sheldon Hickox, manager of NBC station relations; Lee Wailes, general manager, Westinghouse Radio Stations; Cy Young, general manager of WBZ; Bill Roux, sales promotion manager of NBC spot sales; Frank Bowen, WBZ sales manager; Gordon Swan, WBZ program manager; Jack Cornwall, Gray & Rogers. The event was appropriately celebrated around the table.

ASCAP Claims Music Rights After Publisher's Withdrawal

Answer to BMI-Marks Suit Contends It Retains License Privileges Even After Withdrawal

CLAIM that a publisher's withdrawal from membership in ASCAP does not deprive ASCAP of the right to license his music for public performance is advanced in the answer of the Society to the suit of BMI and Edward B. Marks Music Corp., served on the plaintiffs last Tuesday.

Suit, specifically dealing with the performance licensing rights of three songs written by ASCAP members and published by Marks, but also forming a test case to determine whether such rights are owned by the writers or the publishers of musical compositions, was filed in the New York Supreme Court nearly a year ago [BROADCASTING, June 23, 1941], but by legal tactics ASCAP postponed the necessity of making an answer until last week.

ASCAP's Defense

No damages are sought by BMI and Marks in the suit, which asks the court to "declare the rights and other legal relations of the plaintiffs and ASCAP" in certain musical numbers. The compositions chosen for the test case are *Bluer Than Blue* by Lew Pollack and Tot Seymour, *You Fit Into the Picture* by Bud Green and Jesse Greer, and *Mississippi River* by J. Rosamond Johnson and Frank Abbott. All of the writers but Abbott are members of ASCAP and all but Abbott are named as co-defendants in the suit, along with Gene Buck, president of ASCAP at the time the suit was filed.

After stating that it "claims and asserts the right to license others to publicly perform for profit" the three compositions upon which the test case is based, ASCAP's answer sets forth three affirmative defenses: First, that since the causes of the suit arise from the Copyright Law of the United States the case can be tried only by a Federal Court; second, that the periodic contracts signed by ASCAP members, including Marks, assigning their performance licensing rights to ASCAP, were "merely confirmatory of the right of ASCAP" to license its members' music, which persists even though Marks is no longer a member; and third, that Marks and BMI "come into equity with unclean hands and are therefore not entitled to any relief in this court."

History of ASCAP

The first defense would seem to have been answered already, since ASCAP's plea of lack of jurisdiction was denied by the New York Supreme Court and that decision upheld by the Appellate Division of that court, which also denied ASCAP's petition for permission to appeal to the Court of Appeals.

In making its second defense, the answer traces the history of the Society from its inception, Feb. 13, 1914, when a group of composers, authors and publishers, including Victor Herbert, Irving Berlin, Gene Buck and others, organized ASCAP as a "voluntary unincorporated non-profit association for the purpose of licensing to users of music the right to publicly perform for profit the works of its members . . . ASCAP was organized for a period of 99 years and has functioned continuously since the date of its organization."

The answer states that since 1914 ASCAP has licensed users of music of its members, including the three tunes in question, dividing the royalties collected from such users equally between the writer and composer members. It continues:

"As a condition of becoming a member of ASCAP, that organization required from its inception that every member assign to it the right of public performance for profit in and to every musical composition of which such member was the copyright proprietor, or which he alone, or jointly, in collaboration with others, had written, composed, published, acquired or owned, or in which he had any right, title or interest whatever, in whole or in part, or which should thereafter be written, composed, acquired, owned, published or copyrighted by such member alone, or jointly, in collaboration with others, or in which such member might thereafter have any right, title, interest or control whatsoever, in whole or in part. With respect to compositions, written, composed, acquired or owned by members subsequent to their becoming members, ASCAP acquired the right of public performance for profit therein, immediately upon such creation, writing, composition or acquisition."

Pointing out that for its first seven years of existence ASCAP acquired its rights, not from "formal instruments" but "by mutual agreement and understanding of its members, the articles of association of ASCAP, the minutes and resolutions of its Board of Directors, and by the manner in which it functioned," the statement continues that in 1921 "it was deemed for the advancement and protection and mutual interest of the members thereof, and to their benefit that formal instruments be executed by the members, assigning to ASCAP their right of public performance for profit . . . Such instruments, however, were merely confirmatory of the right of ASCAP in the right of public performance for profit of the respective works of such members including Marks."

Arguments Analyzed

Marks and its predecessors were members of ASCAP from 1917 until about January 1941, the answer states, when "Marks refused to execute a confirmatory agreement to ASCAP with respect to the right of public performance for profit of the compositions owned and published by it and as a result of Marks' conduct and refusal to do so, it was duly expelled as a member of ASCAP.

"Under the articles of association of ASCAP and by virtue of the aforesaid membership in ASCAP of Marks and of the individual defendants Greer, Green, Pollack, Seymour and Johnson, and by reason of the aforesaid confirmatory agreements, the right to grant licenses to others in respect of the rights of public performance for profit in and to the compositions *You Fit Into the Picture*, *Bluer Than Blue* and *Mississippi River* vested in ASCAP."

What ASCAP Claims

Analyzing this argument, copyright lawyers pointed out that in effect it claims for ASCAP the public performance rights to all music of all former or present members for the length of the copyrights, regardless of withdrawals from membership at the end of any contract period. If in 1950, when the current ASCAP contracts with its members expire, other publishers should wish to withdraw and to deal directly with the broadcasters or through another licensing organization (as Marks did in 1940, when he did not renew his agreement with ASCAP but transferred his licensing rights to BMI), these attorneys say that if the argument presented by ASCAP were to be upheld, the Society could prevent the broadcasters from using any of the music of those publishers.

In the standard contract of the Songwriters Protective Assn. for use by writers of popular music in selling their tunes to publishers, the writer gives to the publisher the title, words and music of his song and also "the right to secure copyright therein and to have and to hold said copyright and all rights of whatsoever nature thereunder existing . . . subject to any agree-

(Continued on page 68)

Pepper Switch

DR. PEPPER Co., Dallas, has shifted its account from Benton & Bowles, New York, to Tracy Locke-Dawson, Dallas & New York. This marks a return to the agency which served the account for 15 years until 1940. Present advertising is largely a recorded show heard over 130 stations featuring Hollywood talent. After June 17, according to Raymond P. Locke, agency vice-president, the commercials will veer to a wartime theme.

Broadcast Stations on the West Coast Silenced Part of Time by Army Order

THE PACIFIC war having shifted to North America itself with the bombing of Dutch Harbor Naval base on the morning of June 3, all radio along the West Coast from Canada to Mexico was silenced more than eight hours as a precautionary measure. The June 3 alert was occasioned "in view of the situation earlier today", the Army said, not amplifying its statement. A second silence was ordered the following night.

Going into effect Wednesday at 9:01 p.m. (PWT) and continuing through Thursday 5:24 a.m., radio silence on order of the Western Defense Command and Fourth Army Interceptor was the longest experienced on the Pacific Coast.

On 24-Hour Duty

In British Columbia, the Canadian province that stretches from the American-Canadian border along the Pacific Coast to Alaska and the Yukon, all radio stations were silenced, going off the air at approximately 9:45 p.m. (PWT), with those in Lower California, Mexico, preceding by a few minutes. All western stations observed the silence until 5:24 a.m. (PWT) Thursday, when the all-clear signal was given. Programs returned to the air within two minutes.

Despite heavy loss of revenue as a result of cancellation of network programs, as well as local commercial commitments, West Coast radio has cheerfully dug in for the duration. Majority of stations maintained 24-hour vigilance with full staff on duty throughout the radio silence. No confusion prevailed. Although switchboards of networks and independent stations were swamped with phone calls, operators and attendants on duty kept the public reassured.

Pacific Coast stations, first to feel the air bans following the Japanese bombing of Pearl Harbor Dec. 7, have developed a highly efficient emergency operation schedule through cooperation with the FCC and western defense command. Stations up and down the entire Pacific Coast area have been highly complimented by official Washington, the Army and Navy, as well as by an appreciative public for their efficient cooperation in following through on all orders given.

Practically every station in the Western area has established liaison with Army, Navy and civilian defense authorities. Those in the Southern California area clear through Dick Connor, radio coordinator of the Southern California Broadcasters Assn., Los Angeles. Vigilance continues to be maintained at all network and independent stations where guards are employed on 24-hour duty within studios as well as ground transmitters. In many instances identifying passes have been issued to all employes. Others requesting admittance must produce proper credentials.

ANNOUNCING

THE IOWA RADIO AUDIENCE SURVEY FOR 1942

EVERY year since 1938, the annual Iowa Radio Audience Survey has proven itself to be a new milestone on the road to a *complete understanding* of Midwestern radio audiences, their habits, reactions and preferences.

In 1938, the Survey was entirely rural. It confined itself to a study of families living in communities of 2500 or less, and on farms.

In 1939 all urban and rural groups were included. In addition to station and program preferences, the importance of various *sources of news* was analyzed, and valuable information was secured as to the recall value of "heard" and "seen" advertisements.

In 1940 still more new subjects were explored. A study was made evaluating the amount of time spent reading magazines and newspapers versus listening to radio, brand-preference data was secured, and even the reactions to "Father Coughlin" were measured.

In 1941 the value of "heard regularly" and "listened to most" answers in determining station and program popularity was thoroughly analyzed. The data actually revealed the total amount of time spent listening, by quarter-hour periods, to each station.

This year, another still more enlightening Iowa Radio Audience Survey has just been completed. Working along approved "sampling" methods, a trained staff of unbiased interviewers has called on more than 10,000 Iowa families. The findings will be published within the next thirty days. As always, the result will be a marked increase in the total of known facts about Midwestern radio-listeners.

This is a study that will be invaluable to every advertising manager, sales manager or agency executive who is interested in the Midwest. If you wish a copy, please drop us a line now, so that we may secure it for you without delay. There is no obligation, of course. *Address:*

WHO

+ *for* IOWA PLUS! +

DES MOINES . . . 50,000 WATTS

J. O. MALAND, MANAGER

FREE & PETERS, INC. . . . National Representatives

Rail Group Plans To Be Determined

May Use Raymond G. Swing; Ford, RCA Study Plans

NO DECISION has yet been reached by the advisory board of the Assn. of American Railroads, Washington, on the institutional network program it expected to start in June [BROADCASTING, May 18]. A meeting will be held in Chicago June 19 at which final approval will probably be given to the project.

The preferred network still seems to be NBC in the 7-7:30 Sunday evening period vacated May 31 by Jack Benny. A sustaining program has been placed in this time until the association has reached a decision. With the signing of an exclusive contract with NBC, Raymond Gram Swing seems even more likely to be the commentator for the association's program, as rumored in May. Agency is Arthur Kudner, New York.

In line with the current trend to institutional shows, it is rumored that RCA is considering a half-hour variety series, starring some comedian, and that Ford Motor Co. may set up an institutional show either as a full hour or a half-hour.

SWING TO SWITCH TO NBC SEPT. 28

RAYMOND GRAM SWING, noted commentator currently heard on WOR-MBS under sponsorship of General Cigar Co., New York, last week signed an exclusive contract with NBC and will start broadcasts on that network Sept. 28. No schedule has been set up yet for Swing's talks, but they will be heard coast-to-coast.

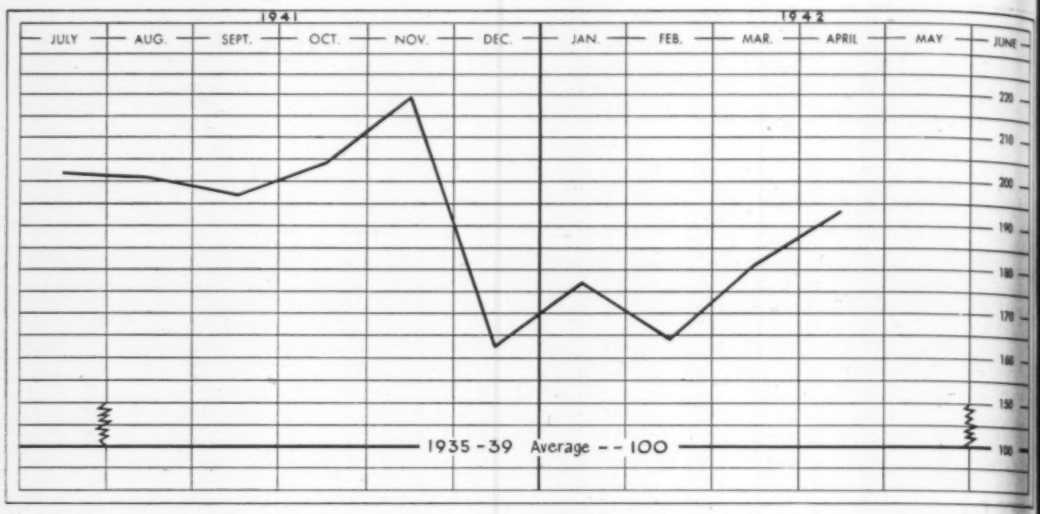
In September, Mr. Swing's present contract with MBS is due to expire and it is understood he decided not to renew despite his commercial schedule, to be renewed on a 52-week basis June 25. The contract with General Cigar, however, is cancellable at 13-week intervals and could be discontinued when Swing moves to NBC. J. Walter Thompson Co., New York, the agency in charge, made no announcement of the company's future plans. Swing is sponsored on MBS Mondays and Thursdays for White Owl cigars, and his Saturday and Sunday news analyses are sustaining.

Berlin correspondent for the *Chicago Daily News* in 1912, Swing covered the Dardanelles campaign during World War I, becoming London correspondent for the *Philadelphia Public Ledger* in 1918. He has been connected with radio as a news commentator since 1934.

Seek Wave Shifts

WHAT, Philadelphia, has applied to the FCC for authority to change its frequency from 1340 kc. to 1550 kc., and thus be relieved from its present time-sharing arrangement with WTEL. Also seeking a frequency change is KXO, El Centro, Cal., owned by Tom Sharp, operator of KFSD, San Diego. KXO asks a change from 1490 kc. to 1230 kc.

Spot Radio Index of the United States



NOTE: U. S. Spot Radio Index for the ten months charted above was initiated and developed by WOR with the cooperation of J. K. Lasser & Co. from figures collected and reported by National Radio Records. The Index represents the spot radio placements of 49 representative U. S. advertising agencies—agencies which alone account for more than 50% of national and regional spot placements throughout the country. The experience of the years 1935 to 1939 is used as the base 100. WOR has used the chart in plotting its spot standing locally in comparison with total placements throughout the country. BROADCASTING would be glad to receive the reactions of radio stations to the U. S. Spot Radio Index.

Analysis of National Spot Placements Indicates Upswing Since Pearl Harbor

WITH the publication of this chart, BROADCASTING brings to the radio industry for the first time a comparative picture of national spot placements.

As a highly representative indication of spot activity during ten of the most critical months ever faced by the country's stations, the U. S. Spot Radio Index lends itself to some interesting and valuable interpretations.

Stability Indicated

For instance, the upswing of the curve since entry into the war is highly encouraging. It indicates an increased buying stability and continuing return to the normal purchasing and placement previous to the attack on Pearl Harbor in December. This rise is particularly apparent during the month of April, 1942.

Peculiarly enough, greater spot placements during 1942 are chiefly in the gasoline and oil categories. This is due greatly to increased institutional promotion by these advertisers. Other highly active accounts are foods and beverages, beers, soaps and cleaners, tobacco products, toilet goods and trade schools.

Other categories which have remained steady are wines, amusements, confections, cereals, housing supplies, financial and insurance, retail.

Major placement drop-offs were noted in automotive, resort, transportation, wearing apparel and drug product promotion.

All in all, the index numbers for the months of 1942 show that spot radio has successfully adapted itself to war conditions.

Jet Oil to Resume

HECKER PRODUCTS Corp., New York, currently conducting a spot announcement campaign for Jet Oil Liquid Polish, has made arrangements for next season's drive to start this fall on the same group of about 30 stations now carrying the one-minute transcribed announcements. Stations are located in Texas, Georgia, Alabama, Missouri, Illinois, Indiana and the Pacific Coast. Benton & Bowles, New York, is agency.

CHARLES VICTOR, announcer of WGN, Chicago, is on leave of absence in Hollywood to play the second male lead in "Red Hot and Blue", RKO picture featuring Rita Hayworth and Victor Mature.

Ferrin Joins Kastor

FRANK W. FERRIN, vice-president and radio director of Henri, Hurst & McDonald, Chicago, will join H. W. Kastor & Sons Adv. co., Chicago in an executive capacity on June 22. Mr. Ferrin will aid in servicing the Kastor accounts. A successor to Mr. Ferrin at Henri, Hurst & McDonald will be announced within the next few days.

Mr. Ferrin

WINX, Washington, has appointed The Foreman Co., New York, as its national representative.

Bond Drive Placed By Allis-Chalmers

Announcement Series to Be Heard on 40 Stations

COOPERATING in the promotion of war bonds, Allis-Chalmers Mfg. Co., Milwaukee, makers of heavy duty equipment, will shortly open a campaign of announcements on 40 stations, lasting nine weeks. To supplement this campaign, the company is currently conducting a campaign in farm papers which will last through August.

All copy will stress the disastrous results which may grow from the extra defense dollars Americans are earning and will advise listeners to save their money regularly through investment in war bonds. Each station will broadcast three announcements per week.

Although the 40 stations have all been selected, Bert S. Gittins, Milwaukee, agency handling the account, announced only those with which time arrangements have already been fixed. The list follows:

KFAB, Lincoln; KFBI, Wichita; KFEQ, St. Joseph, Mo.; KFPY, Spokane; KFSD, San Diego; KGHL, Billings, Mont.; KGW, Portland; KMJ, Fresno; KOMO, Seattle; KQW, San Jose; KRLD, Dallas; KSL, Salt Lake City; KTSA, San Antonio; WCBS, Springfield, Ill.; WDZ, Tuscola, Ill.; WEW, St. Louis; WHAS, Louisville; WFMD, Frederick, Md.; WHO, Des Moines; WIBA, Madison; WIBW, Topeka; WKY, Oklahoma City; WLS, Chicago; WLW, Cincinnati; WNAX, Yankton, S. D.; WREC, Memphis; WSM, Nashville; WTAD, Quincy, Ill.; WTAQ, Green Bay, Wis.; WWL, New Orleans; WBT, Charlotte; WCCO, Minneapolis; KNX, Los Angeles; KOA, Denver; KGNC, Amarillo; WOWO, Ft. Wayne; KDKA, Pittsburgh; WGY, Schenectady.

DESPITE the freeze order and priorities situation, Raymond C. Hammett, of Talladega, Ala., has applied to the FCC for a new 250-watt station on 1230 kc. in that community.

EXECUTIVES: Walter Sondheim, Vice-President and Treasurer, Ben Posen, Publicity Director, Irving Kohn, President, Martin Kohn, Vice-President and Secretary of Hochschild, Kohn & Co. with "Jake" Embry of WBAL.

"WBAL *means* BUSINESS IN BALTIMORE"

say the executives of HOCHSCHILD, KOHN & CO.

The Hochschild, Kohn store is a Baltimore institution—and one of the great stores of the nation.

With apologies to "Information Please," this "board of retail experts" answers the question:

"CAN A DEPARTMENT STORE USE RADIO ADVERTISING PROFITABLY?"

The Answer: "Hochschild, Kohn's radio program, AROUND THE BREAKFAST TABLE on WBAL six days a week is now in its third year. It not only produces good-will, but *brings in direct sales!* We know because we've checked our results!"

This new Hochschild, Kohn warehouse and furniture store has recently been opened.

Represented Nationally by Edward Petry & Co., Inc.

"May we drive you home, Mrs. Hamilton?"

or SOME FACTS YOU SHOULD KNOW, CONSIDERING THE STATE OF EVENTS

Once upon a time★ a radio station named WOR got awfully curious about something.

It got so curious, that it called a firm known as Crossley, Inc.★★

The problem, said WOR, had nothing to do with lobster, the speed with which people walk, or even a girl named Julia.

It was simply this —

WOR would like to know, it said, that when important news begins to break, to which New York station do people turn first?

WOR was assured that the question would be looked into.

This was done by asking 10,584 people — ALL KINDS of people in ALL KINDS of homes — the question.

The results came up like this . . .

WOR 31% **STATION X 14.8%** **STATION Y 13.4%** **STATION Z 4.6%**

X, Y and Z, incidentally, are New York's three other major stations.

Now, this doesn't mean that you should run right over to WOR and say,

"Give me a news-spot quick. Hurry!"

(Though you could do that and we'd be the last to complain.)

It means — considering the state of events — that WOR is in the minds of more people, more often, than any other N. Y. station today.

We can even say — and support it with very good proof —

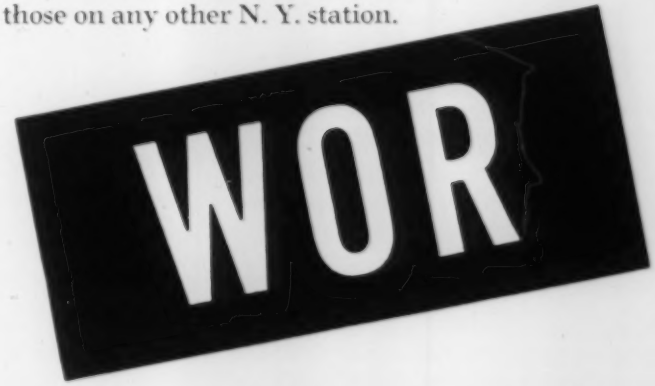
Children listen more to WOR than to any other New York station.

Women listen more to WOR's women's shows than to those on any other N. Y. station.

We can say . . .

It's not, you see, *only* news.

Our address is 1440 Broadway, in New York.



★*April, 1942, to be exact.*

★★*Which prepares the "WOR Continuing Study of Radio Listening."*

Foreign Tongue Group Formed To Control Wartime Operation

Broadcasters Act Quickly, Adopt Voluntary Code Providing for Careful Program Monitoring

DETERMINED to meet speedily the delicate foreign language broadcast problem precipitated by the war, the Foreign Language Broadcasters Wartime Control effected a permanent organization in Washington last Wednesday. Washington headquarters were set up and a voluntary code for the 210 stations in the field was adopted.

Mr. Simon

Receiving the endorsement of FCC-DCB Chairman James Lawrence Fly, who had insisted that the organization operate independently of any other industry group, the Control elected Arthur Simon, general manager of WPEN, Philadelphia, chairman. Other officers elected were J. Fred Hopkins, WJBK, Detroit, vice-chairman; Joseph H. Lang, WHOM, Jersey City, treasurer; and Griffith Thompson, WBYN, Brooklyn, secretary.

Falk is Liaison

Lee Falk, foreign language radio director of the Office of Facts & Figures, who has collaborated in the organization of the group, agreed to act as liaison officer between the committee and the various Governmental agencies identified with or interested in foreign language broadcasting. These include the Office of Censorship, Federal Bureau of Investigation, intelligence branches of the Army and Navy, and OFF.

The stringent voluntary code adopted by the group [see full text on this page] commits all foreign language broadcasters to careful monitoring of such programs. It prescribes precise procedures to be followed.

Accompanying the code was a personal history questionnaire to be filled out by each station employe in any way identified with foreign language broadcasting. It goes deeply into the history and background of the employe and provides for fingerprints.

Certain aspects of the voluntary code, it is understood, will be incorporated in the forthcoming revision of the Office of Censorship Code of Wartime Practices, according to J. Harold Ryan, Assistant Director of Censorship in charge of radio. Mr. Ryan attended the committee sessions last Wednesday and promised full cooperation.

Mr. Falk told the group that OFF shortly will issue a list of programs recommended to foreign language broadcasters, paralleling in a measure the program priorities system established for the industry generally in the war effort.

Headquarters for the Control were established at 1111 Munsey Bldg., Washington. In so doing, the committee heeded the advice of Chairman Fly, who previously had served notice that he would detach himself from the whole project if it became identified with the NAB or with any other trade group.

Attending the Wednesday session were Messrs. Falk and Ryan, the new officers of the group; Harry D. Henshel, WOV, New York, and Sidney Spear, chief, Special Study Section of the FCC War Problems Division, who represented Chairman Fly.

Fly Pleased

In a June 3 letter to Chairman Simon, Mr. Fly expressed satisfaction that the committee had undertaken its work without delay. His letter continued:

"The vital importance of the objectives sought to be achieved by the voluntary code which your committee has drafted cannot be over emphasized. It is fitting and proper that the industry itself has taken the initiative in this matter.

"To be effective, the program must be 100% effective. To be 100% effective, it must have the support of all of the foreign language broadcasters. I assume you will keep us informed of the progress made. And, needless to say, it is hoped that you will be able in the very near future to tell me that the Foreign Language Broadcasters Wartime Control has achieved 100% cooperation from all the foreign language stations. I know that you can confidently expect the hearty cooperation of all interested agencies of the Government.

"Following out the lines of our recent discussions, the Commission yesterday announced publicly that it was undertaking to gather basic data for an intensive study of the 'time broker' situation, which is covered in item 7 of your Code. Let me repeat again my thanks for your continued cooperation in connection with this study.

"I believe that groundwork has been well laid for genuine and effective cooperation and you may be assured of our sincere desire to support the efforts of FLBWC.

ARMY DISCIPLINE went haywire when Devy Edwards, who broadcasts as the *Soldier's Sweetheart of the Airwaves* over WLAW, Lawrence, Mass., visited her soldier fans at Camp Edwards. Hundreds of doughboy listeners greeted her, extending the freedom of the camp and placing a jeep at her disposal. When she returned to the station she had a notebook filled with special requests for future broadcasts.

Code to Regulate Foreign Language

Voluntary Document Sent to All Stations to Be Signed

FOREIGN Language Broadcasters Wartime Control, permanently organized last Wednesday, adopted a "Voluntary Code of Wartime Practices for American Broadcasters Presenting Programs in Foreign Languages". The Code, published in full text below, was sent to all 210 stations handling such programs, along with a letter from FCC Chairman James Lawrence Fly to Chairman Arthur Simon of the Control. The Code follows:

Whereas the foreign language broadcasters of America have a unique opportunity and responsibility to make this channel of communication a positive force in the victory program of the United States of America and the United Nations; and whereas to achieve this goal, they have unanimously adopted the following Voluntary Code of Wartime Practices for American Broadcasters Presenting Programs in Foreign Languages:

1. The broadcasters will continue faithfully to observe the Code of Wartime Practices for American Broadcasters issued by the Office of Censorship.

2. The broadcasters will continue to assume complete responsibility for the selection, content, and presentation of all foreign language programs.

3. The broadcasters will carefully monitor and check all foreign language programs. They will obtain a complete script in advance and any deviation from the script will result in the program in question being cut. They will also give particular attention to remote broadcasts.

4. The broadcasters will examine carefully the background of all persons connected in any way with the preparation or presentation of foreign language programs and will establish and faithfully follow a procedure for the clearance of personnel based upon the following steps:

(A) The questionnaire shall be filled in by all personnel. All personnel shall be fingerprinted. One original and copy of the questionnaire fingerprints, and other pertinent information shall be forwarded to the Executive Committee.

(B) The Executive Committee shall make final decisions on suitability of personnel.

(C) All foreign language stations will be notified relative to decisions of the Committee regarding personnel.

(D) The broadcasters agree to abide by the decisions of the Executive Board in regard to personnel, sponsors and programs.

5. The broadcasters will cooperate wholeheartedly with interested public and private agencies, and particularly with recognized anti-Axis groups, in the selection of program material.

6. The broadcasters pledge adherence to the letter and spirit of this Code and will report violations thereof to the Committee as well as to the appropriate authorities.

7. Broadcasters will give particular attention to those programs known as "Block Time Sales".

8. All foreign language programs will continue to contribute to the war effort.

(A) Stations will broadcast, according to the limitations of their foreign language time, as much anti-Axis, pro-Democratic program material as may be deemed necessary by the Committee.

Therefore, I pledge that station ..... will abide by the Voluntary Code of Wartime Practices for American Broadcasters Presenting Programs in Foreign Languages.

FCC Conducts Probe Into Time Brokers Handling Foreign Language Broadcasts

DEEPLY concerned over foreign language station operations because of the war, the FCC announced last Tuesday that it is inquiring into the activities of "time brokers" handling foreign language programs over domestic broadcast stations.

Despite self-regulation efforts of such stations, which recently organized the Foreign Language Broadcasters Wartime Control, the FCC instructed its War Problems Division, headed by Nathan David, to canvass the whole situation relating to block purchase of time on foreign language stations by brokers, who in turn sell the time to foreign language advertisers. A detailed questionnaire was sent late last week to the roster of some 210 standard broadcast stations which carry foreign language programs, with emphasis on brokerage aspects, to be returned not later than June 22.

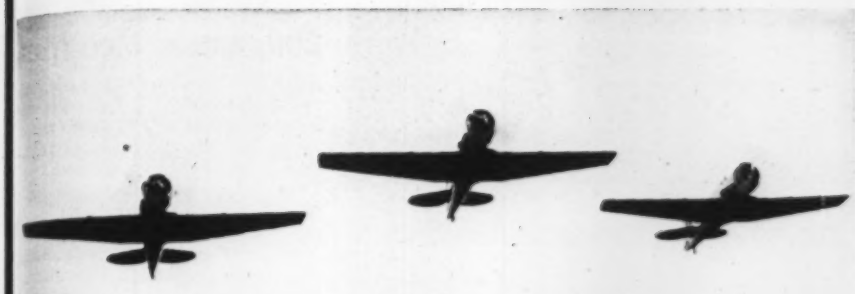
FBI Active

Sidney Spear, chief of the Special Study Section of the War Plans Division, is supervising the inquiry. The questionnaire returns will be analyzed with appropriate recommendations to the FCC.

It was learned authoritatively that the Federal Bureau of Investigation has picked up a number of time brokers who were enemy aliens, and that at least two, it is understood, still are being detained. Moreover, the Office of Censorship also is vitally interested in the whole question of foreign language broadcasting, and proposes to write into the revised wartime code for broadcasting a series of policy pronouncements to govern their operations.

Use of time brokers in radio long has been frowned upon by the FCC and by its predecessor Radio Commission. In a number of cases, stations have been forced to cease the practice on the ground that the licensee actually delegates his responsibility to the time broker in selling block time and loses control of station operation for such

(Continued on page 71)



Trio of Harvard Trainers in flight at R. C. A. F. Flying Training School

R. C. A. F. student pilots back from training flight in Fleet Finch Elementary Trainers

Battle gunnery practice above the clouds is one phase of R. C. A. F. training

The student pilot's proudest moment is when he marches onto the field behind the R. C. A. F. Band to receive his wings from the hands of his Commanding Officer

MORE THRILLING THAN FICTION!

True stories of

"Flying for Freedom"

New! 26 half-hour NBC Recorded Programs dramatizing the ROYAL CANADIAN AIR FORCE!

Here is the first truly authentic story of the fighting skill of the airmen of the United Nations serving with the Royal Canadian Air Force—26 action-packed episodes based on case histories from the files of R.C.A.F., made available to NBC exclusively for the preparation of this NBC Recorded Program Series and produced in Canada in cooperation with All-Canada Radio Facilities, Ltd.

No fiction could be half so gripping as these stories. Each listener *lives* them, vividly! Here are the thrills of night-flight . . . the roar of motors . . . the crash of bombs . . . the staccato bursts of the guns . . . told through the lives of four lads in the R. C. A. F. . . . an American, a Canadian, an Englishman and an Australian.

Each episode is a complete story in itself, yet each ties in with the others to progress from first training to actual combat flying. The series is available for sponsorship, provided that commercials follow the pattern of good taste established by the NAB Code Committee, and that sponsors are approved by R.C.A.F. officials.

Write at once for information on rates, availability, and audition samples.

NBC Radio-Recording Division

NATIONAL BROADCASTING COMPANY

A Radio Corporation of America Service

RCA Bldg., Radio City, New York • Merchandise Mart, Chicago
Trans-Lux Bldg., Washington, D. C. • Sunset and Vine, Hollywood

All R. C. A. F. official photographs — Reproduced by permission

XUM

Mid-June Opening Planned by KXEL

Farm Aspects to Be Stressed By 50 kw. Waterloo Outlet

KXEL, Waterloo, Ia., new 50,000-watt station on 1540 kc., will begin operation about June 15, according to Joe DuMond, president and general manager. Offices and studios are located in the Insurance Bldg., Waterloo, with transmitter at Dysart, Ia.

Adopting the slogan *Josh Higgins, The Voice of Agriculture*, KXEL takes this line from the familiar old rural character popularized for many years over NBC by Mr. DuMond. Agriculture will be emphasized in both KXEL entertainment and service. A large production department is intended to prepare programs for local and network broadcast, including a daily editorial by William A. Reed, former publisher of the *Waterloo Tribune*.

Quick Construction

The new station will be a basic BLUE affiliate, with KBUR, Burlington, Ia., also managed by Mr. DuMond, as a bonus outlet. John Blair & Co., has been appointed national representative. Latest design Westinghouse transmitter is being installed.

Some sort of record probably has been created in the speed with which KXEL inaugurates operation. It was authorized by the FCC Jan. 20, 1942, or less than five months ago.

Lyle Barnhart, former NBC Chicago producer, is program director. Mr. Barnhart is the author of the four-year radio course used by Michigan State College and has just completed a text book on radio announcing.

Don Kassner, formerly construction engineer for Iowa Broadcasting System, is chief engineer. Willis Wilson, recently chief engineer of KBUR, is supervisor of studio engineering.

The news department is headed by Cliff Hendrix, formerly with KBUR. Ken Morton, also of KBUR and the Drake U School of Radio, is program traffic director. Les Hartman, Waterloo, has been appointed music librarian. Local and regional sales will be headed by Jack DuMond, Waterloo.

Beside Joe DuMond, officers of KXEL are James Armstrong, vice-president; Benjamin F. Swisher, secretary; William A. Reed, treasurer. This group together with James Graham, John W. Rath and Claude Clark, constitute the board of directors. Other radio executives associated with Mr. DuMond in stock ownership of the station includes John E. Fetzer, president and general manager of WKZO, Kalamazoo; Paul Godley, consulting engineer, Montclair, N. J.; John Blair, station representative, Chicago; Dan T. Riley and Richard H. Plock, president and vice-president respectively of KBUR.

BACK FROM THE WARS comes Fred Oechsner (right), former Central European manager of UP, and he is greeted at the pier by (l to r) Al Harrison, UP radio chief; Ed Williams, business manager; H. V. Kaltenborn, NBC commentator. He arrived on the *S.S. Drottningholm*.

Newsmen Declare American Shortwaves Effective in Italy but Not in Germany

AMERICA'S shortwave propaganda is effective in Italy, but not in Germany, in the opinion of two UP correspondents who arrived in New York June 1 aboard the *Drottningholm*, with other correspondents, diplomats and Army and Navy officers.

U. S. propaganda directed at the German people is ineffective due to the poor quality of shortwave reception on most radio sets and to the high penalties imposed for listening, according to Frederick C. Oechsner, who was Central European manager of UP up to the Axis declaration of war.

What little listening there is to foreign programs is confined to BBC broadcasts, which are much clearer, he said. To be more effective, the United States would have to establish shortwave stations at points closer to the continent, such as Iceland.

German Warning

A card in German found by a member of the WOR staff at the New York pier, where the liner docked, illustrates Oechsner's second point. Evidently brought back as a souvenir, the card is designed to fit over the dial of the radio and reads, in free translation: "Think This Over!—Listening in on foreign broadcasts is a crime against the national security of our people. By order of the Fuehrer it will be punished by a long prison term."

In Italy, where penalties are administered with far less severity, American propaganda falls on fertile ground, in the opinion of Reynolds Packard, who headed the UP Rome Bureau, and whose wife, Eleanor Packard, another UP correspondent, returned with him.

Italians disgruntled with the Fascist regime are eager for the U. S. broadcasts, and even some loyal Fascists are influenced by them to some extent, he believed. Because of the greater laxity in imposing penalties in Italy, more Italians listen to U. S. broadcasts than Germans, but, as in Germany, people are more apt to tune in on BBC broadcasts because of better reception, he said.

LONG VIGILS in Axis areas, where they reported for NBC, were narrated to the NBC audience June 1 by Paul Fischer (left), back from Italy, and David Colin, back from Germany. They arrived that day on the *Drottningholm*.

The correspondents were among seven UP newsmen who arrived on the *Drottningholm* after weeks in internment camps in Europe. The correspondents were interviewed on their experiences and opinions at a conference held at UP New York offices the day following their arrival. Present in addition to Oechsner and Packard, were Eleanor Packard and Livingston Pomeroy, of the Rome Bureau; Clinton Conger and Jack Fleischer, of the Berlin Bureau, and Glen Stadler, in the Paris Bureau for 13 months after the German occupation, and later interned in Germany.

Radio correspondents returning on the *Drottningholm* included Paul Fischer and David Colin, NBC representatives in Berlin and Rome, and John Paul Dickson, who had been Berlin correspondent of MBS. The NBC men broadcast twice on the day of their arrival, describing their experiences and comparing internment conditions in the two Axis countries, while Dickson's first radio appearance after his return was on Friday, when he appeared on the Mutual quiz show, *Double or Nothing*. Colin and Fischer gave off-the-record talks to New York newspaper and radio men at a luncheon given in their honor by NBC on Wednesday.

Esso to Celebrate 200,000th Program

AT NOON on June 11 the 200,000th regularly scheduled *Esso Reporter* news program will be broadcast on 35 stations from Maine to Louisiana, marking the seventh year Esso Marketers has used radio without interruption. According to available records Marschalk & Pratt, New York, agency in charge, states this is the greatest number of live programs ever used by one client.

Back in 1935, when Esso Marketers pioneered sponsored newscasts, few stations had even set up rates for five-minute programs. That first year the *Esso Reporter* programs were broadcast 3,138 times on less than 12 stations in Mid-Atlantic States, while this year the schedule calls for more than 47,000 broadcasts of United Press news on a two-to-six times daily basis. The series also is one of the first live programs to be broadcast daily via shortwave to Americans serving overseas.

Little Change

During the seven-year period, the program pattern has changed little, consisting mainly of four or more daily broadcasts five minutes in length giving highlights of world, national and local news. Commercials are prepared individually for each station by Marschalk & Pratt, and scheduled according to requirements of the Esso organization in each territory.

The year 1942 has brought some new jobs for the *Esso Reporter*, such as news resumes all through the night in certain areas where war work is on a 24-hour basis. Currently, too, many Esso commercials are devoted to helping motorists care for their cars and their tires, to giving information on rationing and regulations for dimouts and blackouts, and to helping the Army and Navy in their recruiting drives.

Broadcasts for the company are under the supervision of J. A. Miller, advertising manager, and D. J. O'Brien in charge of radio in the New York office of Standard Oil Co. of New Jersey, one of the Esso Marketers member companies. G. W. Freeman, of Marschalk & Pratt, writes most of the *Esso Reporter* commercials. Curt Peterson is radio director of the agency.

War Producer Sponsor

CLEVELAND TWIST DRILL Co., Cleveland, bought its first radio time may 22 on WGAR and WHK, Cleveland, to broadcast ceremonies connected with receiving the first joint Army and Navy Award for excellent contribution to the war production drive. Transcriptions of the half-hour program were broadcast on WOR, New York; WGN, Chicago; KFI, Los Angeles, KPO, San Francisco; WWJ, Detroit. O. S. Tyson & Co., New York, is agency.

"I'll bet you never knew that MARBLE is a big industry in the TENNESSEE VALLEY!"

• Marble mining is but one of many basic and war industries located in the Tennessee Valley, attracted by one-half billion dollars worth of mighty dams generating cheap TVA power.

This is the rich area to be covered by WLAC's 50,000 watts.

WLAC

NASHVILLE, TENN.

Going soon to

50,000 WATTS

COLUMBIA'S
NASHVILLE OUTLET
U. P. NEWS

J. T. WARD, OWNER • F. C. SOWELL, MANAGER
PAUL H. RAYMER CO. NATIONAL REPRESENTATIVES

★

THE STATION OF THE GREAT TENNESSEE VALLEY

• Here are men at work in a marble quarry in Knox County in East Tennessee.

Gerber Goes for News in a Big Way

Department Store Now Fills Memphis Air With Broadcasts

DOES RADIO advertising for retail stores pay?

The answer of The John Gerber Co., of Memphis, after considerable testing, is 42 newscasts a week over WMPS, in addition to a women's shoppers program of six quarter-hours weekly over WMC.

In the teeth of the criticisms of department store advertising executives, voiced during the NAB convention at Cleveland [BROADCASTING, May 18], Benjamin R. Michael, president of the Gerber Co., decided on his increased radio expenditure. "If you expect radio to perform miracles," he said, "you will be disillusioned. Radio requires the same study of technique as newspaper or any other phase of publicity."

Carefully Planned

Gerber's didn't just dive headlong into radio. When Mr. Michael came to Memphis in August, 1941 from Halle Bros., in Cleveland, he looked into the whole over-all promotional picture. He had been with B. Altman in New York before his Cleveland experience.

A month after he arrived, test programs were purchased on all four Memphis stations, including the Women's Shopper, juvenile programs, announcements and five-minute daily sports programs. Space in newspapers was not curtailed. Then on May 11 came the decision for the run of schedule news programs, to the tune of 7 a day, six days a week on WMPS, plus the expanded Women's Shopper series on WMC. The store is one of the big four in Memphis.

Quoth Mr. Michael in connection with the radio series:

"The same way as the air is your dynamo for winning the war, the same way is the air your dynamo for winning retail sales. And the answer is that retail sales are obtained by capturing the customer's imagination. Radio is personal, whereas type is cold. Radio reaches the senses more quickly than reading.

"Modern education has trained a child to visual and auditory learning, whereas the former education was entirely developed by either lecture or by reading. Radio permits the speed of modern tempo. It does not require the lengthy preparation to present to the customer. You can receive merchandise today and advertise it this afternoon. General publicity, which we all admit is a very fundamental part of any retail institution, has the best listening audience over the radio.

Reaches More People

"In part this is due to its reaching a greater number of people than the newspaper circulation. The ideal situation is a composite use of the newspaper, radio and window displays. If you expect radio to perform miracles you will be disillusioned. Radio requires the same study of technique as newspaper or any other phase of publicity.

"There is nothing more important at this moment than news. Trexler and the news represents in the City of Memphis 'tops' in the news. Therefore, we believe that 'tops' in merchandising which is retailing news coupled with 'tops' in news is the best association over the radio that can be obtained for radio distribution.

"We are in an age of mass concentration and repeated rapidity of attack. Having the news presented seven times a day is the radio's expression of the latest in war tactics."

ALL OUT FOR RADIO went The John Gerber Co., of Memphis, with 42 newscasts a week over WMPS, believed a department-store record for packaged news. Interested are (l to r) Harold R. Krelstein, commercial manager, WMPS; Lawrence Trexler, news editor, WMPS; Benj. R. Michael, president, Gerber Co.; Igor Ivan, news editor, WMPS; Mrs. J. W. Richardson, advertising director, Gerber Co.

Applications Dropped For Equipment Shortage

DISMISSED without prejudice by the FCC last week, all at the request of attorneys, due usually to inability to secure equipment under existing wartime restrictions, were three applications for new FM stations and five from standard broadcasting stations seeking improved facilities. FM applications dropped were those of Portland Broadcasting System Inc., operating WGAN and owned by the *Portland Herald & Express*, seeking 47.1 mc.; *Atlanta Constitution*, seeking 45.3 mc.; KFEL, Denver, seeking 46.5 mc.

Standard broadcast applications dismissed were those of WCHS, Charleston, W. Va.; WIBW, Topeka, and KFEL, Denver, all now 5,000 watts fulltime and all seeking 10,000 day; and WJNO, West Palm Beach, seeking shift from 1230 kc. to 1430 kc. and power increase from 250 to 1,000 watts. Also dismissed were the applications of WOAI, San Antonio, for 1200 kc., and of Andrew L. Todd for a new local in Murfreesboro, Tenn.

CRAMPED QUARTERS

But War Pinch Makes KSL A Happy Family

WAR'S PINCH was felt by KSL, Salt Lake City, recently when Army engineers took over the Union Pacific annex building. The KSL staff formerly occupied an entire floor but now has had to double up.

The sales department and Commercial Manager Lennox Murdoch are using one of the larger studios as an office and the copy department is temporarily quartered in another small studio. The same doubling up has forced bookkeeping, engineering and promotion departments into smaller quarters.

The station is philosophical about the whole thing, choosing to believe that the cramping has served the constructive purpose of bringing the staff together again as one big family.

Sunkist Stays

CALIFORNIA FRUIT Growers Exchange, Los Angeles (Sunkist oranges, lemons), will forego a summer layoff and continue the thrice-weekly quarter-hour *Hedda Hopper's Hollywood* on 40 CBS stations, Monday, Wednesday, Friday, 6:15-6:30 p.m. (EWT). Decision was reached following conference among Russell Ellers advertising director of Sunkist; James Fonda, radio supervisor of Lord & Thomas, Los Angeles agency servicing the account, and Miss Hopper. In addition to that program, the firm, for its Valencia oranges, on June 1 started using daily transcribed announcements on more than a score of stations in the Southern states.

AMERICAN Music Publishers, recently organized with headquarters at 935 Market St., San Francisco, and licensed through BMI, has established Hollywood offices at 1509 N. Vine St., with Jack Sharpe in charge.

NOTABLES ATTEND ANNUAL WIRE FETE

GUESTS OF HONOR for the annual "appreciation" dinner of WIRE, Indianapolis, held last Monday and attended by more than 500 business and professional leaders of Indiana and Illinois, were Niles Trammell, NBC president, and Gov. Henry F. Schricker of Indiana.

The previous day Mr. Trammell had delivered the commencement address at DePauw U, Greencastle, Ind. [BROADCASTING, June 1], where he and Gov. Schricker received honorary LL.D degrees. Accompanying Mr. Trammell to Indianapolis were four NBC vice-presidents: Frank Mullen, Roy Witmer, Frank Russell and Harry Kopf. Other NBC executives attending included Clarence Menser, program director; Sheldon Hickox, public relations director; Jules Herbuveaux, Chicago program director; Paul McCluer, Chicago sales manager and William Ray, Chicago publicity director.

In his address Gov. Schricker paid tribute to radio as "the greatest agency of democracy in wartime". He also expressed appreciation for the national and world wide service of NBC and closed with a eulogy to Eugene C. Pulliam, WIRE owner, for his work as State chairman of the war savings bond campaign.

Broadcasters to Form Toronto Luncheon Club

TO PASS on to other station representatives the impressions of the recent NAB convention, Bill Wright, of Stovin & Wright, Toronto, called a luncheon meeting of all representatives in Toronto and of as many Canadians as possible who attended the NAB convention. Each person who had been at Cleveland was given two minutes to give his outstanding impressions of the Convention.

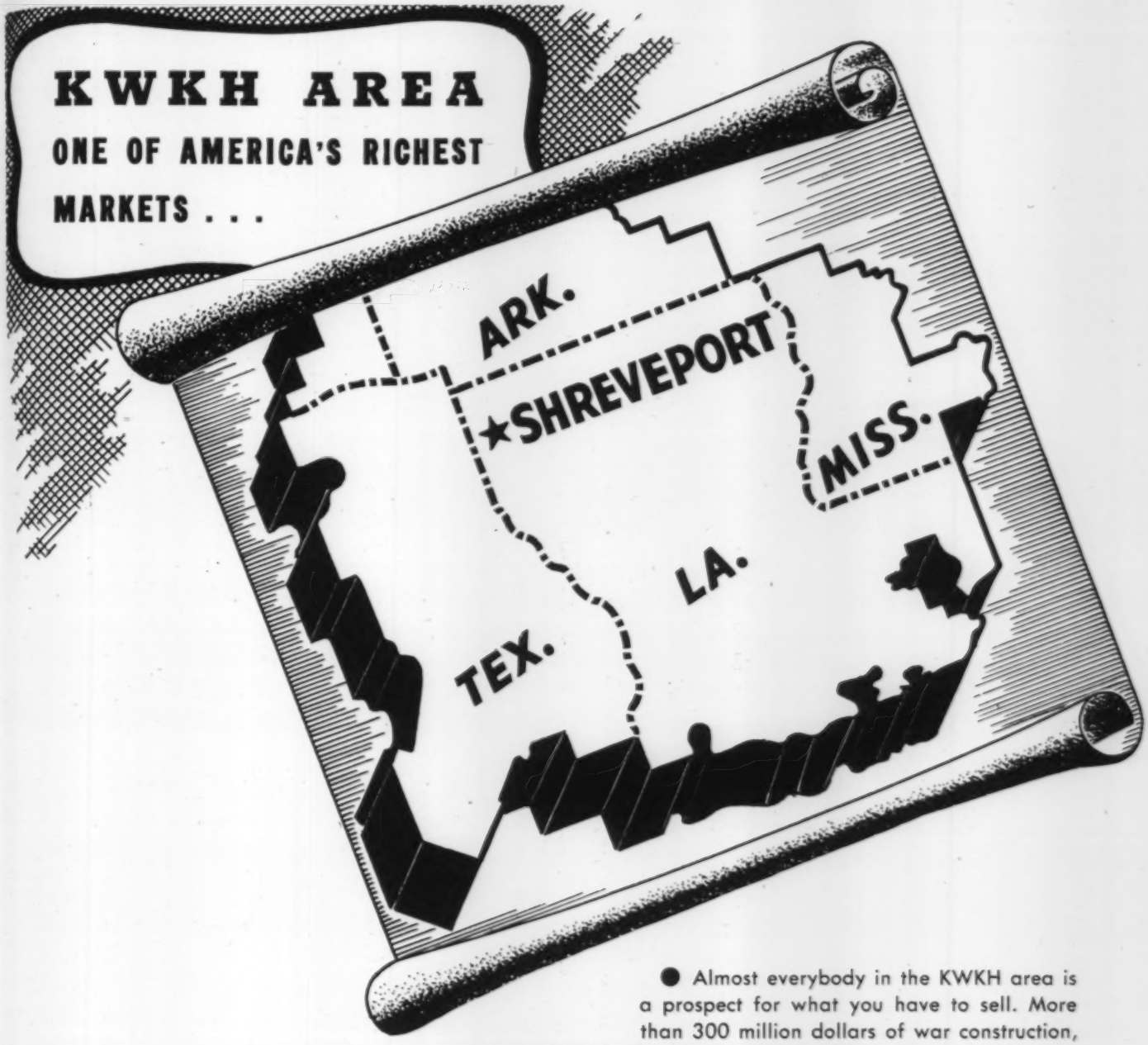
At the conclusion a question-answer period was held. So favorably were the Canadians impressed, that the luncheon meeting is to become a monthly affair. Those attending were Bill Wright, Reg Beattie, John Tregale and Guy Herbert, All-Canada Radio Facilities; Don Copeland, Hal Williams and Stan Francis, Dominion Broadcasting Co.; Ralph Bowden, W. Enger and Horace Stovin, Stovin & Wright; Jack Slatter, Radio Representatives Ltd.; Jack Part and Jack Holman, United Transcribed System; J. W. Alexander; Jack Cooke of Northern Broadcasting Co.; Glen Bannerman and Arthur Evans, Canadian Assn. of Broadcasters.

WJZM Sale Approved

ROLAND HUGHES, onetime newspaper publisher recently in the insurance business, on June 2 became the owner of WJZM, Clarkesville, Tenn., the FCC having authorized his purchase of the local outlet from Mr. and Mrs. William D. Hudson. Mr. Hudson, mayor of Clarkesville and member of the Tennessee Railroad & Public Utilities Commission, placed the station in operation last year. The purchase price was $26,500.

KWKH AREA

ONE OF AMERICA'S RICHEST MARKETS . . .



● Almost everybody in the KWKH area is a prospect for what you have to sell. More than 300 million dollars of war construction, more than 30,000 producing oil wells, rapidly expanding agriculture, pulp and paper, lumber, and livestock industries all mean more circulating money—a better market for you. Alert advertisers seeking dominant coverage of this rich market are buying KWKH—a potent sales medium in the homes of able-to-buy, eager-to-buy radio families throughout North Louisiana, East Texas, and South Arkansas.

● **CBS sets net daytime circulation at 313,000 radio homes; net nighttime at 425,000. Ask Branham Company for details.**

CBS ★ **KWKH** ★ 50 kw

A SHREVEPORT TIMES STATION

SHREVEPORT, LOUISIANA

MEMBER SOUTH CENTRAL QUALITY NETWORK

The SELLING POWER in the BUYING MARKET

Farm Co-Op Upsets an Old Theory

Radio Used to Tell Story of Their Advancement

By FRED W. MEYER
President and Manager
Michigan Milk Producers Assn.

I'M A FARMER, still living on the farm where I was born quite a few years back. As a matter of fact, it's the same farm my father settled on and cleared for tillage nearly 90 years ago. I believe I think like a farmer, act like a farmer and I wouldn't be surprised if folks thought I looked like a farmer.

Mr. Meyer

I've been a member of the Michigan Milk Producers Assn. almost since its inception over 25 years ago. I've been on its board of directors for several years, president for five years and manager for most of the last year. I know the farmers' problems today and feel qualified to speak about them.

An Obvious Answer

In my capacity as president of the largest farmer cooperative in Michigan, I am asked many questions regarding these farm problems. Not all of these questions are asked by farmers, in fact most of them are from the city people with whom our job puts us in contact. And that brings us to the question so often asked and which is the real reason for this discussion. Here's what is asked: "Why should an all-farmer association, which does no direct consumer selling, sponsor a commercial radio program?"

To the average layman that question might be a poser but to us who see it through a farmer's eyes, the answer is obvious. However, before we come to that answer, let's review, for a moment, just how farmers have been thought of in the past. Farming is the oldest and by far the greatest of all world industries, yet the farmer has been the most exploited group in the world. Politicians have ridden into office on promises to help the downtrodden farmer and vaudeville comedians have rocketed to fame by ridicule of the farmer. Until recently, we've been looked upon by city folks as hicks, rubes or hayseeds, the proper victims of gold brick and lightning rod salesmen.

But times have changed and the farmers have changed with these times. Good roads, fast cars, the telephone and radio have brought the city to the country and vice versa. Improved farm machinery and modern science have played important parts in this progress. Farmers avail themselves of college "short courses" and see that their children get the benefits of college. We oldsters never paid much attention to public opinion but the younger, college-educated farmer felt that we should make people realize that farmers were business men with a definite investment, an ever present overhead and a constant gamble on returns.

I was inclined to go along with these younger farmers and when it was proposed that we undertake a program of enlightenment, I heartily endorsed it. We decided that radio offered us the best opportunity to reach a large audience regularly and cast about for the proper type of program. We felt that this program should serve one purpose —to change the mind of the general public about farmers.

Milk and Cream

In looking over availabilities, we were impressed by an unusual circumstance. We were one of the first really active cooperative groups and as such had been a leader in farm programs. WWJ was not only the pioneer radio station in our territory but had as one of its attractions one of the pioneer newscasters—the late C. C. Bradner. Then why not three firsts together?

Thus, on April 10, 1939, the *Cream of the News* was born, the program combining the story of the milk we use with the latest happenings of the day and making a program of unusual interest. As previously stated, it was our intention to paint an honest word picture of the dairy farmer, his life and what he means to the public. At that time, no thought was given to the possibility of an increase in milk consumption.

We were only aiming at a public relations job. However, as is often the case, we failed at first to really appreciate the potency of radio. We apparently had chosen our station, talent and program well, because it was an immediate success. Subsequent happenings in various metropolitan areas of the state have proven that Michigan city folks do think differently of their country cousins than in the days of yore. And whether the program had anything to do with it or not, milk consumption took a noticeable up-turn shortly after the inauguration of *Cream of the News*.

Now at the third anniversary of this radio program, we of the Michigan Milk Producers Assn. feel that it is an institution and hope to celebrate many more.

Michigan Milk Producers Assn. account is handled by the C. H. Chapman Adv. Agency.

FARMERS no longer are victims for 'Gold Brick' selling, says Mr. Meyer. To acquaint city cousins with their advancement, dairy farmers of the Michigan Milk Producers Assn., of which Mr. Meyer is president, set out to tell about their daily lives through the 'Cream of the News', on WWJ, Detroit. No attempt was made at selling, Mr. Meyer, says, but adds that "we failed at first to really appreciate the potency of radio". He reports that Michigan milk consumption took a "noticeable upturn" after the program got under way.

WBNX to Rebroadcast Network War Programs

WBNX, New York, has adopted a plan to rebroadcast MBS programs relating to the war effort, and is seeking similar arrangements with other major networks. Under the plan with Mutual, the station assumes responsibility for selecting shows and speeches for rebroadcast by monitoring WOR, New York, and by following advance news of broadcasts in releases and newspapers. Programs ordered by the station, are recorded by Mutual at the rate of $5 per quarter-hour and $8 per half-hour show, with the network receiving due credit in the repeat.

The plan grew out of a suggestion which appeared in a bulletin issued by the Broadcasters Victory Council, pointing out that many network public service programs were well worth repeating, and that "a good speech is never stale." Ed Ervin, station production manager, initiated the plan at WBNX.

Camel Summer Sub

R. J. REYNOLDS TOBACCO CO., Winston-Salem (Camels, Prince Albert), on June 29 starts Vaughn Monroe's orchestra as a 13-week summer replacement for the weekly half-hour *Blondie* program on 79 CBS stations, Monday, 7:30-8 p.m. (EWT), with West Coast repeat, 7:30-8 p.m. (PWT). Comedy serial started three years ago as a summer replacement and will have completed 153 broadcasts on June 22 when the weekly show goes off the air for vacation. Firm on July 2 also discontinues the weekly half-hour *Al Pearce & His Gang*, on 80 NBC stations, Thursday, 7:30-8 p.m. (EWT), with West Coast repeat, 7-7:30 p.m. (PWT). Whether that program returns to the network in fall is uncertain. Pearce, it is understood, will me a new one-hour program for that firm to originate from New York on NBC. Detailed plans are now being completed. Wm. Esty & Co., New York, has the account.

Shortwaves of Axis Followed by Few

Fly Claims Library Requests Show Audience Is Small

THE EXTENT of American listening to Axis propaganda broadcasts and the amount of credence placed in the broadcasts may be judged by the results of a recent unique test undertaken by the FCC following a report on a German broadcast by its Foreign Broadcast Monitoring Service.

FCC Chairman James Lawrence Fly has reported that a few weeks ago a German propaganda speaker urged American listeners to go to the public libraries to read certain volumes known to contain anti-British material.

Libraries Checked

"To learn just how much stock American radio listeners (if there are any listeners outside official Government monitors and others studying the problem), the FCC asked the American Library Assn. to circulate member libraries for a check on public requests for the volume," the FCC report states.

"Complete reports from the Association show but a solitary request which occurred at the San Francisco library, and that was from a person having an unrelated purpose in mind.

"This indicates fairly well," the FCC concluded, "that few listen to Axis propaganda outside persons in the crank fringe and of course those studying the material such as the Government's own listening services, which make prompt use of such material to propagandize Germany and Italy in return.

"These latter operations by our own country and our Allies sometimes provoke trouble in the occupied countries. For example, just this last week the German controlled Netherlands radio broadcast a threat against 460 prominent Dutchmen in Nazi hands as hostages.

"The German-controlled station declared that something dire would happen to these hostages unless the London Radio, operated by the Dutch Government-in-Exile, was silenced. This obviously was because the London station was 'inciting the Netherlands people against the Germans'."

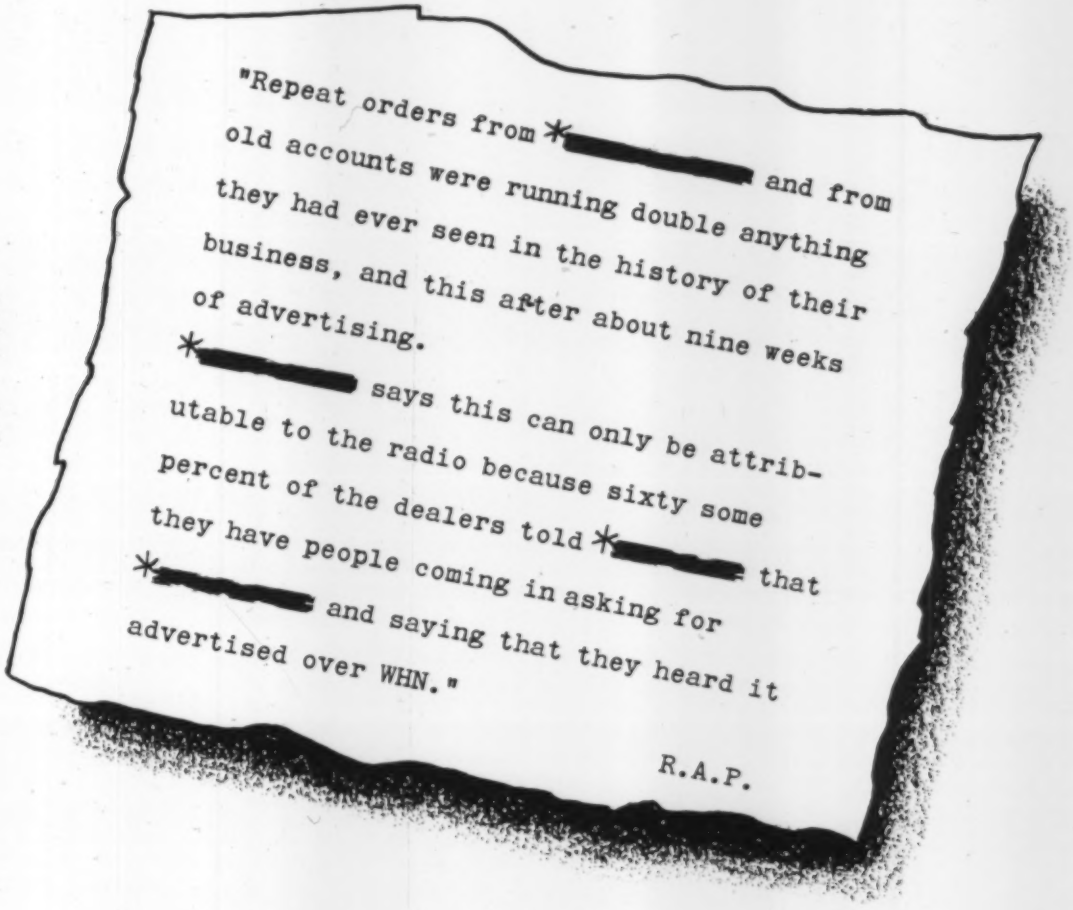
Offers Censor Bill

ACTING to amend the first War Powers Act of last year giving the President extensive powers, Rep. Sumners (D-Tex.), has proposed that censorship of communications be extended to include exchange between the United States and any territory or possession or between the territories or possessions alone. The War Powers Act now includes consorship of communications between this country and any foreign country. The bill was referred to the House Judiciary Committee.

SAM BREWER, MBS correspondent who has been reporting from New Delhi, India [BROADCASTING, May 18, 1942] has left for an unannounced destination.

WHN Advertiser Report No.1

(A series of comments written by leading advertising men.)


"Repeat orders from * and from
old accounts were running double anything
they had ever seen in the history of their
business, and this after about nine weeks
of advertising.
* says this can only be attrib-
utable to the radio because sixty some
percent of the dealers told * that
they have people coming in asking for
* and saying that they heard it
advertised over WHN."
R.A.P.

*Any WHN Sales Representative will "un-censor" this letter, from his portfolio of advertiser-success letters. Ask to see it.

Our best advertisements have always been written by our advertisers themselves. Here, for example, are the words of an agency account executive telling how a *WHN-planned program* built distribution for his client's product. *You* might well profit by his experience in planning your Summer and Fall advertising schedules.

WHN **50,000 WATTS • 1050 CLEAR CHANNEL**
NEW YORK

Chicago Office: 360 N. Michigan Avenue

CENSUS OF RADIO HOMES IN NORTH DAKOTA AND UTAH

Number of Occupied Dwelling Units, Percent Radio Equipped and Number of Dwellings having Radios by Counties and Cities of 25,000 or More Population Urban, Rural-Nonfarm and Rural-farm: 1940*

X—NORTH DAKOTA

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units
Adams	1,149	87.7	1,008	....	....	....	499	88.5	442	650	87.1	566
Barnes	4,446	91.0	4,044	1,642	93.7	1,538	896	88.5	793	1,908	89.8	1,713
Benson	2,828	88.5	2,504	....	....	....	1,257	84.6	1,063	1,571	91.7	1,441
Billings	562	75.9	427	....	....	....	98	77.3	76	464	75.7	351
Bottineau	3,351	87.3	2,926	....	....	....	1,365	84.8	1,158	1,986	89.0	1,768
Bowman	1,033	81.9	845	....	....	....	465	80.7	375	568	82.8	470
Burke	1,989	88.7	1,764	....	....	....	905	89.5	810	1,084	88.0	954
Burleigh	5,472	92.3	5,051	3,907	94.6	3,697	375	85.5	321	1,190	86.8	1,033
Cass	13,222	94.8	12,538	8,618	95.7	8,247	2,032	91.6	1,860	2,572	94.5	2,431
Cavalier	3,118	87.2	2,720	....	....	....	1,141	87.8	1,002	1,977	86.9	1,718
Dickey	2,375	87.6	2,080	....	....	....	1,175	87.0	1,022	1,200	88.2	1,058
Divide	1,878	90.1	1,691	....	....	....	730	87.8	641	1,148	91.5	1,050
Dunn	1,814	79.7	1,445	....	....	....	508	82.7	420	1,306	78.5	1,025
Eddy	1,363	91.5	1,247	....	....	....	671	92.8	623	692	90.2	624
Emmons	2,268	80.0	1,814	....	....	....	915	76.6	701	1,353	82.2	1,113
Foster	1,394	89.9	1,254	....	....	....	770	88.8	684	624	91.3	570
Golden Valley	896	87.5	784	....	....	....	419	88.0	369	477	87.1	415
Grand Forks	8,616	93.1	8,018	5,313	94.9	5,041	1,144	87.1	996	2,159	91.7	1,981
Grant	1,802	76.7	1,382	....	....	....	573	77.2	442	1,229	76.5	940
Griggs	1,410	88.6	1,250	....	....	....	563	89.2	502	847	88.3	748
Hettinger	1,622	83.1	1,348	....	....	....	655	84.8	556	967	81.9	792
Kidder	1,507	85.5	1,289	....	....	....	560	83.9	470	947	86.5	819
LaMoure	2,388	87.9	2,098	....	....	....	1,060	85.5	906	1,328	89.7	1,192
Logan	1,574	80.3	1,264	....	....	....	585	76.5	447	989	82.6	817
McHenry	3,355	85.6	2,873	....	....	....	1,451	84.9	1,232	1,904	86.2	1,641
McIntosh	1,995	78.1	1,559	....	....	....	959	75.2	721	1,036	80.9	838
McKenzie	2,179	84.3	1,837	....	....	....	644	84.0	541	1,535	84.5	1,296
McLean	3,806	83.5	3,179	....	....	....	1,520	82.6	1,256	2,286	84.1	1,923
Mercer	2,075	78.1	1,620	....	....	....	1,009	79.5	802	1,066	76.7	818
Morton	4,482	89.3	3,994	1,593	94.7	1,508	1,126	82.0	923	1,763	88.7	1,563
Mountrail	2,679	86.6	2,320	....	....	....	1,073	87.3	937	1,606	86.1	1,383
Nelson	2,185	90.3	1,972	....	....	....	959	90.9	871	1,226	89.8	1,101
Oliver	824	85.7	706	....	....	....	181	87.1	158	643	85.3	548
Pembina	3,625	89.3	3,236	....	....	....	1,782	85.8	1,530	1,843	92.5	1,706
Pierce	1,993	86.1	1,716	....	....	....	862	83.2	717	1,131	88.3	999
Ramsey	3,714	93.1	3,458	1,544	94.2	1,455	752	88.6	666	1,418	94.3	1,337
Ransom	2,449	90.9	2,227	....	....	....	1,200	90.7	1,089	1,249	91.1	1,138
Renville	1,461	91.5	1,337	....	....	....	538	91.5	492	923	91.6	845
Richland	4,867	91.5	4,452	982	95.7	940	1,458	88.6	1,292	2,427	91.5	2,220
Rolette	2,663	71.3	1,898	....	....	....	900	84.4	763	1,763	64.4	1,135
Sargent	2,120	88.1	1,869	....	....	....	881	85.2	751	1,239	90.2	1,118
Sheridan	1,484	86.6	1,285	....	....	....	507	80.9	410	977	89.6	875
Sioux	942	71.2	671	....	....	....	484	71.2	345	458	71.3	326
Slope	746	84.5	630	....	....	....	225	92.3	208	521	81.1	422
Stark	3,396	86.2	2,927	1,485	89.5	1,329	649	77.3	502	1,262	86.9	1,096
Steele	1,425	87.7	1,249	....	....	....	470	85.8	403	955	88.6	846
Stutsman	5,166	90.5	4,677	2,245	94.8	2,129	889	83.3	741	2,032	88.9	1,807
Towner	1,755	90.3	1,583	....	....	....	776	88.2	684	979	91.8	899
Traill	2,897	91.2	2,642	....	....	....	1,442	89.9	1,278	1,475	92.5	1,364
Walsh	4,555	88.1	4,015	762	95.9	731	1,267	83.9	1,063	2,526	87.9	2,221
Ward	8,139	91.8	7,471	4,393	95.2	4,181	1,485	87.1	1,293	2,261	88.3	1,997
Wells	2,682	91.1	2,442	....	....	....	1,248	90.1	1,124	1,434	91.9	1,318
Williams	4,307	88.3	3,801	1,585	91.4	1,449	946	87.1	824	1,776	86.0	1,528
State Total	152,043	88.4	134,437	34,069	94.6	32,245	47,024	85.7	40,295	70,950	87.2	61,897

Cities of 25,000 Or More Population

City	Units	% Radio	Radio Units
Fargo	8,618	95.7	8,247

XI—UTAH

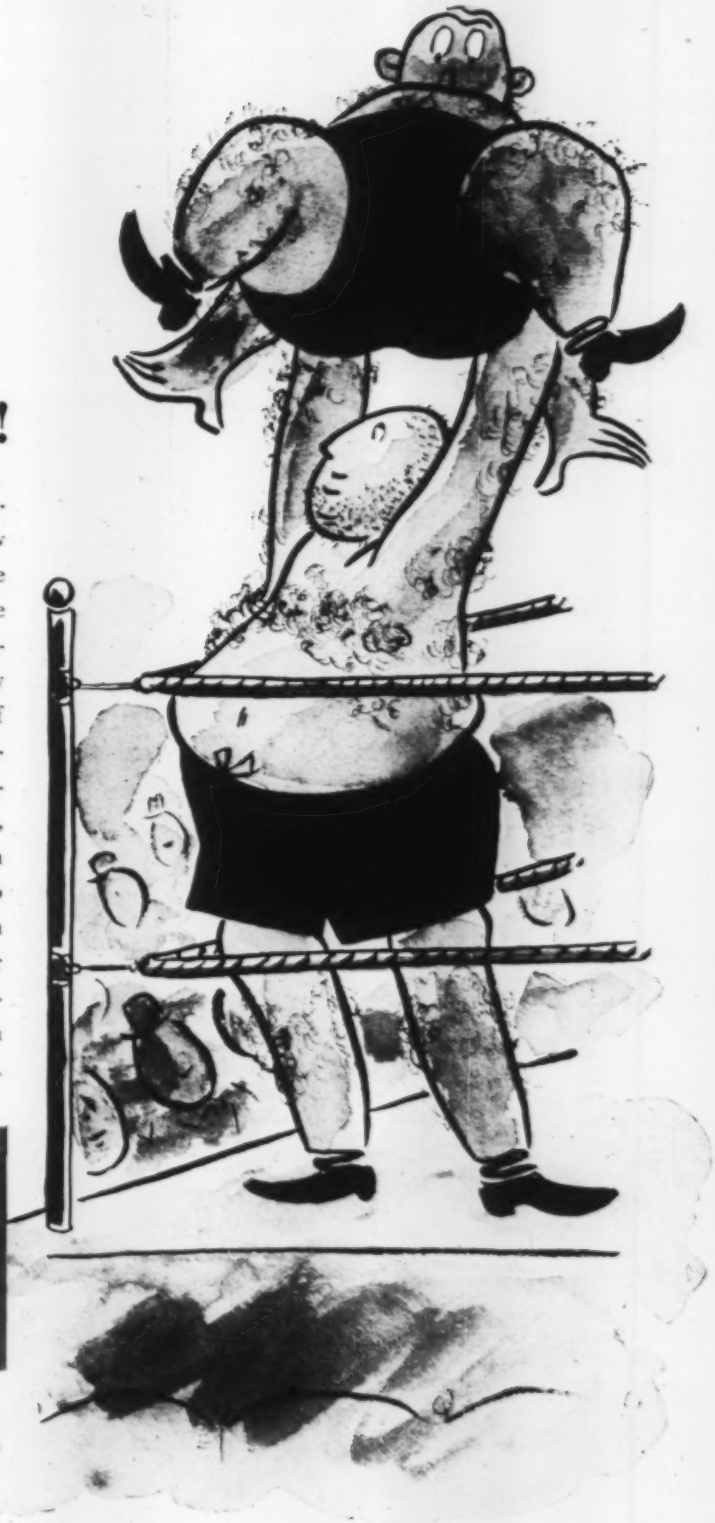
County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units
Beaver	1,245	86.2	1,073	....	....	....	1,012	87.5	885	233	80.8	188
Box Elder	4,516	93.3	4,215	1,483	95.8	1,421	1,290	92.4	1,191	1,743	92.0	1,603
Cache	7,470	95.3	7,116	3,214	95.5	3,068	2,171	94.2	2,044	2,085	96.1	2,004
Carbon	4,608	84.4	3,888	2,056	85.6	1,761	2,141	85.1	1,822	411	74.1	305
Daggett	131	60.8	80	....	....	....	54	53.1	29	77	65.8	51
Davis	3,776	94.3	3,562	820	97.9	803	1,641	94.6	1,552	1,315	91.8	1,207
Duchesne	1,961	76.5	1,500	....	....	....	839	77.6	651	1,122	75.7	849
Emery	1,615	84.2	1,359	....	....	....	1,168	88.4	1,032	447	73.2	327
Garfield	1,092	77.8	850	....	....	....	936	77.3	724	156	81.1	126
Grand	515	68.6	353	....	....	....	385	71.2	274	130	60.6	79
Iron	2,049	88.6	1,814	1,170	90.7	1,061	557	86.1	479	322	85.1	274
Juab	1,843	90.7	1,762	732	93.4	683	1,019	92.1	938	192	73.3	141
Kane	563	81.3	457	....	....	....	419	82.7	346	144	76.9	111
Millard	2,180	89.6	1,954	....	....	....	1,604	92.5	1,484	576	81.5	470
Morgan	694	94.4	598	....	....	....	355	94.4	335	279	94.4	263
Piute	545	83.0	453	....	....	....	384	81.7	314	161	86.5	139
Rich	497	95.5	475	....	....	....	309	95.4	295	188	95.7	180
Salt Lake	56,621	95.3	53,955	45,896	95.6	43,876	8,159	94.0	7,668	2,566	94.0	2,411
San Juan	997	42.8	420	....	....	....	358	72.2	258	639	25.4	162
Sanpete	4,011	91.8	3,685	....	....	....	3,368	93.3	3,143	643	84.4	542
Sevier	2,962	89.8	2,661	919	92.7	852	1,588	90.3	1,434	455	82.5	375
Summit	2,197	94.3	2,073	990	94.1	932	741	95.6	708	466	92.9	433
Tooele	2,359	91.4	2,155	1,278	93.4	1,193	809	90.0	728	272	86.0	234
Uintah	2,224	76.4	1,700	....	....	....	1,059	78.7	833	1,165	74.4	867
Utah	13,708	94.7	12,975	9,696	95.7	9,282	2,146	91.4	1,960	1,866	92.8	1,733
Wasatch	1,407	92.3	1,297	698	93.6	653	491	89.6	359	308	92.6	285
Washington	2,064	82.8	1,711	842	80.3	676	616	84.3	520	606	84.9	515
Wayne	484	81.6	403	....	....	....	333	81.4	271	161	82.1	132
Weber	15,103	95.2	14,379	11,964	95.4	11,418	1,253	94.8	1,188	1,886	94.0	1,773
State Total	139,487	92.4	128,923	81,758	95.0	77,679	37,115	90.2	33,465	20,614	86.3	17,779

Cities of 25,000 Or More Population

City	Units	% Radio	Radio Units
Ogden	11,964	95.4	11,418
Salt Lake City	41,368	95.7	39,600

* NOTE:—Number of Occupied Dwelling Units as reported by U. S. Bureau of the Census in advance release, **Series H-7**. Percent radio-equipped calculated by NAB Research Dept. from **Series H-7 Bulletin** following the Census Bureau practice. Number of radio units, or radio homes, estimated by applying percent ownership to those units not answering radio question and adding such to those reporting radio. States previously reported are Nevada, New Hampshire, Vermont, Wyoming, Montana, Idaho, Maine, Arizona and Delaware; others will be reported as released.

Never, sir, shall YOU be tossed around!



YOUR GOOD TIME is considered as precious by Don Lee as it is by you. We know that when you choose a particular time you have a darned good reason, and we can guarantee that on the Don Lee Network you will never be shoved aside by coast to coast commitments. A long list of network advertisers who picked a particular time on Don Lee and who have broadcast continuously *at that time* for years, make this a matter of record. And when you consider that 9 out of every 10 radio families on the Pacific Coast live within 25 miles of a Don Lee station, no wonder nearly twice as many Pacific Coast accounts use Don Lee's Guaranteed Time than use the other three networks combined.

Mutual
DON LEE

Thomas S. Lee, President
Lewis Allen Weiss, Vice-Pres.-Gen. Mgr.
5515 Melrose Avenue, Hollywood, California

Skunk Party

NO OLFACTORY illusion was the recent appearance of four guests at WWNY, Watertown, N. Y. They were skunks—yes, four baby ones—brought in by Bill Roe, WWNY farm advisor. Bob Walter, farm program director, with fist firmly clamped on his nose, was first introduced to the "woods kitties". He passed the buck to Thomas Martin, station manager, who interviewed the guests briefly. The field was then left to Bill Roe and the listeners, fortunately beyond aroma-reach.

Excessive Advertising Costs Denied Canada Tax Deduction

But New Wartime Scale Allows Expense Incurred For National or Patriotic Advertising

THE CANADIAN Government, through the Minister of National Revenue, Colin Gibson, has announced a new wartime scale of advertising allowances for income and excess profits taxation purposes. Basis of the new scheme of allowances rests on the Minister's statement that "while national or patriotic advertising will be admitted as an expense incurred for the purpose of earning income, all excessive advertising expenditures will be disallowed in determining taxable income."

Normal advertising increases in advertising based on the normal period 1936-1939, and on the increase in business for each firm over the basic period, will be allowed.

Since American advertisers and advertising media are facing similar problems, the Minister's full statement is herewith given, showing reasons and means by which advertising allowances will be determined for tax purposes. Following is his statement:

"The fact that the advertising of goods, wares, merchandise and services of any business is an essential element in the successful conduct of the business has long been accepted. While there is no intention on the part of the government to interfere with this well-established practice, certain tendencies which have developed during the war, and more particularly within the last year, bring this expense under special consideration.

Beneficial Advertising

"The first tendency is on the part of businesses to allocate a considerable part of their normal advertising to the furtherance of patriotic purposes, such as advertising the sale of war loans, the collection of salvage and other like national purposes conducted by the government, as well as purposes national in their character and beneficial to the community as a whole, such as the Red Cross and other patriotic activities.

"This action is greatly appreciated, and the expenditure so incurred has been admitted as a legitimate expense.

"There are, however, other businesses which have expanded their advertising expenses far beyond the normal, and beyond what would be a normal expansion for greatly increased business. Many of these companies realize that they are in the 75% excess profits tax scale of taxation and that the added expenditure is using the potential monies of the crown—potential in that if they were not so used they would be paid into the exchequer by way of taxes.

"Such substantial increased expenditures are designed to keep the name of the business before the public, sometimes under a color of serving patriotic ends not strictly connected with the vending of goods or services, and thus create a belief that they are contributing of their own funds to these worthy purposes, thereby building up goodwill which is in fact purchased largely with funds that truly belong to the crown.

Admit 'Normal' Expenditures

"In the interest, therefore, of businesses themselves, in the interests of the advertising medium that carries these items and in the interests of the conservation of the national revenue intended to be secured by existing legislation after normal expenditures have been provided for, notice is given that, while national or patriotic advertising will be admitted as an expense incurred for the purpose of earning income, all excessive advertising expenditures will be disallowed in determining taxable income; and in respect of the year 1941 'normal advertising' will be that outlay which was made for that purpose in the standard period, 1936 to 1939, provided that:

"If the profits have increased by any amount up to 30% then there may be permitted an increase in advertising costs, over normal, of five percent.;

"If the profits are up between 30 and 40%, then there may be permitted an increase in advertising costs, over normal, or seven per cent.;

"If the profits are up between 40 and 50%, then there may be permitted an increase in advertising costs, over normal, of nine per cent.;

"If the profits are up over 50%, then there may be permitted an increase in advertising costs, over normal, of 10%.

Allow for Greater Turnover

"Some regard will also be had not alone to increase in profits, but the increase in turnover. If the increase in turnover has been very substantially over the average basic period turnover, then:

"If the turnover has increased by any amount up to 60%, an increase of five per cent. in advertising costs may be permitted;

"If the turnover has increased between 60 and 80%, an increase of seven per cent. in advertising costs may be permitted;

"If the turnover has increased between 80 and 100%, an increase of nine per cent. in advertising costs may be permitted;

"If the turnover has increased more than 100%, an increase of 10% in advertising costs may be permitted.

"These are indicative percentages only. Every case will have to be considered on its own merits, but very substantially these will be the percentages that will be adhered to.

"The special allowances heretofore announced in respect of contributed advertising for the victory loan will not be included in the foregoing percentages."

DON McNEILL, m.c., of the BLUE *Breakfast Club*, has received the degree of Doctor of Letters from St. Bonaventure College and Seminary, St. Bonaventure, N. Y. He already holds a Ph.B. degree from the institution.

"RED RIVER VALLEY SALES ARE UP HIGHER'N A KITE! TO GET YOUR SHARE, GET IN TOUCH WITH WDAY—THE ONLY STATION SERVING THE WHOLE VALLEY!"

WDAY FARGO, N. D. 5000 WATTS - NBC
AFFILIATED WITH THE FARGO FORUM
FREE & PETERS, NAT'L REPRESENTATIVES

Treasury Outlines Bond Drive Plans

Every Wage Earner Is Target Of Drive Starting June 14

ORGANIZING the voluntary saving of 10% of every citizen's income into a club effort, the Office of Facts & Figures, radio division, cooperating with the Treasury, last week mailed a fact sheet to members of every branch of the radio industry outlining the campaign which will be concentrated between June 14 and July 5.

Keynote of the campaign is a club composed of membership numbering patriotic Americans who set aside 10% of their income in war bonds and stamps. Aimed at every wage earner in the country, this program will be pushed through radio, newspapers, magazines, billboards, car cards and every other available medium.

Buttons and Stickers

The word "club" has been adopted, the OFF explains, since it is human, suggesting something that everyone wants to join. In a fact sheet directed to producers and writers, methods of introducing the subjects are suggested and publicity through participation of stars is also outlined.

Insignia for the club have been adopted, consisting of "10% buttons" illustrated by a target with the 10% figure in the bullseye; window stickers for display in homes, carrying the legend "We're Buying at Least 10%". For a banner, the club has adopted the American flag as an obvious emblem of American people.

MASS PHLEBOTOMY increased the Red Cross blood bank by 2½ gallons when, following a special appeal, 20 employes of KFI-KECA, Los Angeles, volunteered one pint each this past week. In powdered plasma form, the blood will be sent to U. S. service hospitals in foreign countries. Lined up for blood pressure and temperature tests are (l to r): Bill Davidson, announcer; Pete di Lima, writer; Jimmy McKibben, writer; Bob Heistand, producer; John Edwards, producer; George Whitney, sales executive; Virginia West, publicity; Pat Bishop, announcer; Kay Calvert, accounting; Bill Stulla, announcer; Eleanor Downey, sales; Ernest Felix, chief auditor; Ann Carlisle, accounting. Making tests are Nurse Leah O'Dell and Dr. Robert W. Watson. It was the largest group donation made at the Los Angeles Red Cross station.

IRONIZED YEAST Co., Atlanta, is the first sponsor for *Ye Olde Vaudeville Show*, new recorded program on WOR, New York, with Jerry Lawrence as m.c. Program is heard Monday through Thursday, 10:15-10:30 p.m. Lawrence uses recordings of all kinds to create the illusion of an actual vaudeville show. Agency for Ironized Yeast is Ruthrauff & Ryan, New York.

P&G Stops Sherman

PROCTER & GAMBLE Co., Cincinnati (Ivory soap), because of merchandising difficulties due to war priority restrictions, following broadcast of June 24 will discontinue the half-hour *Ransom Sherman Show* after 26 weeks on 73 CBS stations, Wednesday, 9:30-10 p.m. (EWT). Besides Sherman, program features Martha Tilton, vocalist, with comediennes Shirley Mitchell and Fran Allison. Gordon Jenkins is musical director. Agency is Compton Adv. Inc., New York.

HESLEP JOINS RYAN IN CENSORING NEWS

CHARTER HESLEP, NBC night news editor in New York and former managing editor of the *Washington Daily News*, on June 15 joins the Office of Censorship to work in the Radio Division under J. Harold Ryan, assistant director.

He is the second addition to the Office of Censorship's radio staff in recent weeks, the other having been Gene Carr, assistant manager of WGAR, Cleveland. Mr. Heslep will be assigned to the night shift of the radio news desk, while Mr. Carr already holds down the day shift.

Capt. H. K. Fenn, Assistant Director of Censorship in charge of cable and radio communications censorship, last week appointed Lt. Comdr. W. M. B. Freeman, USNR, as assistant chief cable censor. Comdr. Freeman, before entering active service in the Navy, was with Treasury Procurement.

Last week the entire staffs handling international communications censorship under Capt. Fenn and postal and land line communications under Col. W. Preston Corderman were moved from their Virginia offices and are now located in the headquarters office in the Apex Bldg. on Pennsylvania and Constitution Ave. in Washington.

A MEETING of the directors of the Canadian Assn. of Broadcasters is to be held at Toronto June 15 and 16 to discuss wartime activities, participation of Canadian stations in Army Week June 29 to July 5, and routine business.

Availabilities on

MJB SHOW

ST. LOUIS KWK MUTUAL

ST. LOUIS' great multi-sponsored variety program with fifty-six weeks of continuous top audience popularity.

Disc Firms Granted Leniency To Use Part of Copper Stock

WPB Acts on Appeal by RCA to Provide Partial Relief to the Industry for Period of 45 Days

RECOGNIZING the importance of copper in the production of phonograph and transcription records, the War Production Board acted last week to insure minimum requirements of companies in the field. This resulted from a decision to allow RCA to use 18,000 pounds of its current inventory of 35,000 pounds of copper for 45 days.

Upon first appeal to the WPB, RCA based its claims on the value of the record to morale in the home but this was considered insufficient reason to allow the continued use of copper. Then the RCA representatives pointed out the importance of phonograph records to the industry in keeping many stations on the air.

Furthermore, RCA felt it could develop a substitute mode of production not dependent upon copper if granted the extension. On these grounds the appeal was considered valid and accordingly the WPB acted to allow the use of approximately half of the company's current copper stock.

Temporary Relief

Under another extension granted by the War Production Board last week, some radio parts manufacturers will be allowed to use copper from their inventories until July 1, thus getting temporary relief from the recent WPB ban on copper for civilian use which in most cases ceased May 31.

Under the extension only limited production of parts will be allowed, the amounts being stipulated by the WPB Copper Section. Similar relief was granted radio tube manufacturers to June 30, but excluding transmitter tubes [BROADCASTING, June 1].

Maintenance of Sets

The extension was granted following numerous conferences of Radio Manufacturer Assn. representatives with WPB copper officials and representatives of the WPB Radio Section. It is understood Leighton Peebles, head of the WPB Communications Branch, and Frank H. MacIntosh, chief of the radio section, vigorously pressed for the extension to maintain receiving sets in public use. Extensions, it was said, will be based on special circumstances regarding the manufacturers' inventories, work in progress and other circumstances.

It was also stated by the WPB that its Radio Section is now working out a definite plan for future allocation of materials for a replacement parts production schedule. Also, a limitation order is now being drafted, to be released shortly, in connection with receiver and tube program. It is expected that by the end of June manufacturers will have turned out 20,000,000 tubes and the limitation order is expected to allow another 20,000,000 for the remainder of 1942.

However, it is not expected that the replacement parts program can be started before September since the WPB ban on copper was expected to last for at least three months.

The WPB has pointed out that it expects 1,800,000 tons of copper from domestic production and imports this year. It was added that in 1939, in which comparatively little defense work was done, the civilian consumption of copper amounted to 800,000 tons. "From here out," the WPB said, "nonessential civilian users cannot expect to obtain any copper, and only a necessary minimum amount will be available for essential nonmilitary needs".

Marlin Test Successful

FOLLOWING a successful test offer on *Breakfast in Bedlam*, on WJZ, New York, last spring, Marlin Firearms Co., New Haven, makers of razor blades, returns to the program with a contract for five-weekly participations, as part of its national spot campaign stressing care and conservation of blades. Craven & Hedrick, New York, is agency.

Rhode Island Spots

TO ATTRACT summer vacationists from New York, the State of Rhode Island will participate in the twice-weekly quarter-hour show *Happy Jim Parsons* on WOR, New York, for six weeks, starting the latter part of June. Rhode Island promoted its vacation spots on the same program last year. Bernstein Agency, Providence, handles the account.

M-G-M Boosts Film

METRO - GOLDWYN - MAYER, New York, used live and transcribed announcements on five New York stations, to promote "Mrs. Miniver" prior to the opening of the show in Manhattan June 4. Stations carrying the spots were WEAF WHN WMCA WOR WQXR. Show will receive similar advance promotion prior to opening in other cities throughout the country. Donahue & Coe, New York, is agency.

Beatty's New Series

MORGAN BEATTY, military news analyst of the BLUE, heard five times weekly on *Military Analysis of the News*, 10:30 p.m., has added a series of news commentaries, *Daily War Journal*, Monday through Friday, 8-8:15 a.m. Beatty's evening program will shift to Monday thru Thursday, 10:15-10:30 p.m., starting June 29. Beatty is also "editor of ceremonies" on the BLUE's *Weekly War Journal*, Sundays, 7-7:30 p.m. All broadcasts originate in Washington.

LATEST STYLES on wheels are demonstrated by Hal Styles, KFWB, Hollywood commentator, when he pedalled gingerly across the concrete on his bicycle of ancient vintage.

Another's Aches

AS HIS last official act before reporting to the Navy last week, Lt. Com. Harry C. Butcher pinned a package of Stanback to the cloth covering of the loud-speaker in the office of the CBS vice-president in Washington. Attached also was this note:

"Left with loving kindness for my successor. Butch".

Stanback Spots

STANBACK Co., Salisbury, N. C. (proprietary), through the J. Carson Brantley Adv. Agency, Salisbury, has placed one-minute transcribed announcements six times weekly on WRVA, Richmond; WJAR, Providence; WPTF, Raleigh; WBAL, Baltimore, and seven times weekly on WRC and WMAL, Washington.

Gilmore Test

GILMORE OIL Co., Los Angeles, in an eight-week test campaign which started May 29, is sponsoring a weekly half-hour "grab-bag" studio audience participation program titled *At Your Service Man*, on KHJ, Hollywood. An interview type of program, it is conducted by Ben Bard, as m.c., with participants consisting of service men only. Each participant picks his own reward from a grab-bag. Dave Young is announcer-producer. Agency is Ruthrauff & Ryan, Hollywood.

CLAIMING the distinction of the oldest non-sectarian religious service on the air, World Radio Congregation, WOW, Omaha, conducted by Rev. R. R. Brown, celebrated its 1,000th consecutive broadcast June 7.

Cleveland Session Is Planned by IRE

Wartime Broadcast Problems Prominent on Program

CLEVELAND'S Hotel Statler will be the scene of the summer convention of the Institute of Radio Engineers, June 29, 30 and July 1, with the program concentrating on technical phases of radio communications and with wartime phases of broadcast operation covered in an address on June 30 by J. A. Ouimet of the Canadian Broadcasting Corp.

Registration begins Sunday, June 28, and the delegates will visit various plants in the Cleveland area as permitted under wartime restrictions. A banquet will be held Tuesday evening. The tentative program, subject to change because of war conditions, follows:

MONDAY, JUNE 29

10:30 a.m.-1 p.m.

Addresses of Welcome by A. F. Van Dyck, IRE president; P. L. Hoover, chairman of the Cleveland Section; Carl E. Smith, chairman of convention committee.

"Recording Standards," by I. P. Rodman, Columbia Recording Corp., New York.

"A New Approach to the Problem of Phonograph Reproduction," by G. L. Beers and C. M. Sinnett, RCA Mfg. Co., Camden.

"Measuring Transcription - Turntable-Speed Variations," by H. E. Roys, RCA Mfg. Co., Indianapolis.

"A New Type of Practical Distortion Meters," by J. E. Hayes, Canadian Broadcasting Corp., Montreal.

"Frequency - Modulation Distortion in Loudspeakers," by G. L. Beers and H. Belar, RCA Mfg. Co., Camden.

2:30 p.m.-5 p.m.

"Radio-Frequency Oscillator Apparatus and Its Application to Industrial Process-Control Equipment," by T. A. Cohen, Wheelco Instruments Co., Chicago.

"The Scanning Microscope," by V. K. Zworykin, J. Hillier and R. Snyder, RCA Mfg. Co., Camden.

"Spectroscopic Analysis in the Manufacture of Radio Tubes," by S. L. Parsons, Hygrade Sylvania Corp., Emporium, Pa.

"Minimizing Aberration of Electron Lenses," by H. Poritsky, General Electric Co., Schenectady.

TUESDAY, JUNE 30

10 a.m.-1 p.m.

"Maintenance of Broadcasting Operations During Wartime," by J. A. Ouimet, Canadian Broadcasting Corp., Montreal.

"High-Power Television Transmitter," by H. B. Fancher, General Electric Co., Schenectady.

"Frequency-Modulation Transmitter-Receiver for Studio Transmitter Relay," W. F. Goetter, General Electric Co., Schenectady.

"Effect of Solar Activity on Radio Communication," by H. W. Wells, Carnegie Institution of Washington.

2:30 p.m.-4:30 p.m.

"Television Video Relay System," by J. E. Keister, General Electric Company, Schenectady.

"Mercury Lighting for Television Studios," by A. Breeding, General Electric Co., Schenectady.

"The Focusing-View-Finder Problem in Television Cameras," by G. L. Beers, RCA Mfg. Co., Camden.

"Automatic Frequency and Phase Control of Synchronization in Television Receivers," by K. R. Wendt and G. L. Fredendall, RCA Mfg. Co., Camden.

WEDNESDAY, JULY 1

10 a.m.-1 p.m.

"Radio Strain Insulators for High Voltage and Low Capacitance," by A. O. Austin, Barberton, O.

"Improved Insulators for Self-Supporting or Sectionalized Towers," by A. O. Austin, Barberton, O.

"Brief Discussion of the Design of a 900-Foot Uniform-Cross-Section Guyed Radio Tower," by A. C. Waller, Truscon Steel Co., Youngstown, O.

"Circular Antenna," by M. W. Schindorf, General Electric Co., Schenectady.

"Stub-Feeder Calculations," by E. A. Brown and W. J. Trijitzinsky, University of Illinois, Urbana.

It's Sunday Morning. Meet Mr. Hardart

Introducing emcee Ed Herlihy and Mr. Frank Hardart, Vice President of the Horn & Hardart Company. Their topic: "The Children's Hour" (Sunday mornings on WEAF).

•RADIO PROGRAM

PRODUCED AND PRESENTED BY I. W. CLEMENTS CO.
HORN BUILDING, PHILADELPHIA

SPONSOR HORN & HARDART
STATION WEAF
DATE JUNE 7, 1942

HERLIHY: Here we are in the twelfth year of "The Horn & Hardart Children's Hour." Yes, every Sunday morning at 10:30 over twenty talented children present a variety show. And off and on for an hour we sell WEAF's millions of listeners on eating at Horn & Hardart Automats and on buying at Horn Hardart Retail Stores. I say sell. I hope that we have, Mr. Hardart.

HARDART: You have, Ed, and forcefully. Our program on WEAF really gets results and it has the largest audience of all the programs on the air Sunday before Jack Benny.

HERLIHY: I'm glad. And every Sunday your advertising agency, the Clements Company, has consistently produced an excellent show on the right station. You know WEAF's Sunday Morning schedule is the strongest in New York.

HARDART: So I understand. That's fine. But what makes us happiest is the fact that sales are going beautifully. And we think that our WEAF show has a lot to do with it. The Horn & Hardart Children's Hour has become a radio institution.

← "Largest audience . . . sales going beautifully."

Thanks for telling us the facts, Mr. Hardart. *And*, Mr. Herlihy, Sunday morning is just one of many periods when WEAF leads all other stations in listeners. With its top-ranking Red Network shows and local programs, it's naturally a leader in this, the World's Richest Market.

But, as Mr. Hardart says, what counts most is sales. That's why WEAF's programs, announcers, and entire thinking are geared to sell...to sell hard and produce results. WEAF can do it for your product, too.

50,000 WATTS
660 KILOCYCLES
NBC RED NETWORK

WEAF TALKS SALES IN NEW YORK

Schenectady Local Will Open in July

Leighton, Nelson Completing Plans for WSNY Debut

SCHENECTADY's new local broadcasting outlet, the 250-watt WSNY, which will operate on 1240 kc., is nearing completion and will go on the air about July 15, according to Winslow Leighton, president of Western Gateway Broadcasting Corp., holder of the construction permit which was granted by the FCC last February 25 [BROADCASTING, March 2].

All essential equipment, Mr. Leighton states, was secured in advance of the freeze orders and there appears to be no hitch in the construction plans for the new station. Prime mover in the project with Mr. Leighton is George R. Nelson, who is executive vice-president and will be general manager. Mr. Leighton and Mr. Nelson also operate Leighton & Nelson, Schenectady advertising agency.

Started With WGY

Mr. Leighton, a 1929 Yale graduate, entered radio as a member of the sales and program staff of WGY, Schenectady, and later became that station's commercial manager as well as New York State sales manager for NBC. Mr. Nelson was a member of the sales staff of WGY when he resigned in 1936 to form the Leighton & Nelson agency.

Secretary-treasurer of the firm is William G. Avery, president of the Morris Plan Bank of Schenectady, which has used radio extensively. The board also includes Col. James Healey, radio commentator and news analyst, and David TerBush, president of New York State's largest general insurance agency. Other stockholders include Bradley Kincaid, the radio artist; Joseph Field Sr. and Benjamin Dubb, Schenectady business man; Prentiss Carnell, executive of Albany Business College.

Members of Staff

Edward F. Flynn, former radio director of Leighton & Nelson, heads the WSNY program staff. Irving P. Beck, chief engineer, is a graduate of RCA Institute and a former Army and commercial radio operator who recently was with WGY. The staff has not been completed, but others already engaged include Virginia Reiman, graduate of the Leland Power School, Boston; Miss Cecil Mason, Williamstown, Mass.; Mrs. F. J. Croninger, Jr., and Eleanor Anthony, Schenectady.

WSNY plans no present affiliation with any network and will operate as a purely local outlet. Its studios will be located in the Plaza Theater Bldg., and the transmitter is being erected about a mile outside of town on a site near the Mohawk River.

FRENCH NETWORK favorite, Albert Duquesne, newscaster of CKAC, Montreal, was awarded the Medaille d'Or de 'Radiomonde' ", the annual award for the most popular radio artist on French programs. At a reception tendered at Club Canadian, Montreal, he is with (l to r) King Whyte, radio director of Cockfield, Brown & Co. Ltd., Montreal; Mr. Duquesne; Edgar Genst, sales manager of Molson's Brewery Ltd., sponsor of Duquesne's programs; Louis Leprohon, national sales, CKAC.

WHAT'S WRONG WITH RADIO?

Magazine Writer Suggests Co-Op Programs Would Solve Many Industry Problems

EXAMINING the status of broadcasting today from the radio listener's viewpoint, Bernard B. Smith, New York radio attorney, concludes in an article entitled "What's Wrong with the Broadcasters", in the June *Harper's Magazine*, that the industry does not control its own programs despite current charges of monopoly practices.

Considering briefly the proposal to break up the networks, Mr. Smith contends that "public interest will be served not by breaking up the networks, but by increasing their responsibilities and their control over their own radio programs." Absolving the networks he feels the situation results from the need of first serving the advertiser rather than the interest of the public.

Fewer Net Sponsors

He observes the phenomenon that network income has increased by 50% from 1937 to 1942, while the number of advertisers has decreased by 25% in this same period. In fact he points out that by 1941 11 advertisers accounted for over 50% of the revenue of American networks. Here again he emphasizes this is not the fault of the networks since their rapid growth and financial success could come in no other way.

This leads to extreme difficulty for the small advertiser, since he proportionately pays more for one 15-minute network show than a larger advertiser, Mr. Smith writes. Although the latter uses perhaps four 15-minute programs per day he nevertheless enjoys the benefits of the hourly cost, despite the fact that each 15-minute segment sells a different product.

In addition the author maintains that the small advertiser must often be satisfied with a less desirable time period which, even then, he might be deprived of if a larger advertiser coveted the time. He admits this has never been known to occur but emphasizes the danger of the situation.

Returning to the listener aspect of modern networks, Mr. Smith shows how the advertiser's market determines the audience and where certain sections are denied the entertainment of prominent comics and musicians merely because they live outside the marketing range of the sponsor. He contends this is not in accord with the best public interest.

The author recognizes attempts of the networks to produce educational and varied public service programs yet he claims few if any are heard at the hours of peak listening interest.

As a practical solution Mr. Smith offers a vague plan calling for "definite legislative licensing" under which each network would build its own programs independent of national advertisers. He feels these programs could be broadcast over the entire nation's network of the particular system, with advertiser simply purchasing "the right to have a commercial message delivered for several minutes during the course of the broadcast of a radio program."

Co-Op Programs

After proposing an "unambiguous statute which . . . will recognize network broadcasting in its present high state of development and will seek to continue and improve it," Mr. Smith fails to clarify the situation. He suggests his cost system would be predicated on the correlated factors of audience size for the period in which the commercial message is read and on the number of stations whose facilities the advertiser employs.

He views this as the practical way to reach everyone with the words of a national commentator, for example, with network operation interrupted for separate commercials originating from each station on behalf of a local advertiser. Already this is a familiar practice in network broadcasting.

Under this system Mr. Smith believes a program such as Toscanini's concerts could be commercially sponsored since charges would be based on the actual size of the listening audience instead of on broadcast time plus program costs.

WRITERS ON COAST TO HEAR POYNTER

NELSON POYNTER, assistant director of the Office of Government Films, will be principal speaker at a mass rally of the Hollywood Writers Mobilization staged in Filmarte Theatre, that city, on June 9. His subject will be "What Washington Expects of Hollywood".

Mr. Poynter is currently on leave of absence from his post of associate director of the foreign information service of the Office of Coordinator of Information (Donovan Committee), to act as Hollywood liaison officer between the film industry and the Government, having been loaned to Lowell Mellett, administrative aide to the President and head of the Office of Government Reports [BROADCASTING, April 20].

In Washington on official business this past week, he cut short his stay to return to the West Coast for the HWM meeting, which will be in the nature of a dramatized semi-annual report to the membership. Future plans of the organization will be discussed. The guilds which form HWM are Radio Writers, Screen Writers, Newspapers, Publicists and Cartoonists.

Blue Fetes Irene Rich

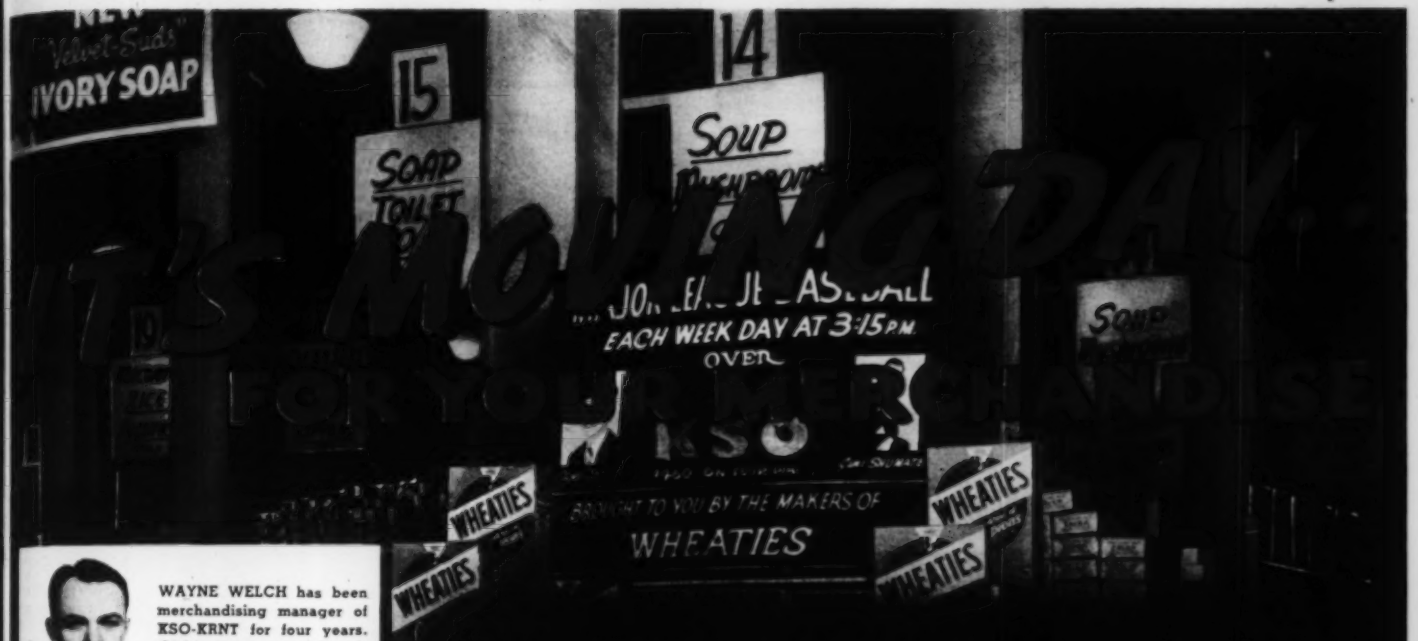
BLUE western division executives and department heads, following her final broadcast on that network, staged a farewell party May 31 for Irene Rich, star of the weekly *Dear John* serial, sponsored by Welch Grape Juice Co. (beverage). Serial on June 5 shifted to approximately 60 CBS stations, Fri., 7:15-7:30 p.m. (EWT), with West Coast repeat, 8:15-9:30 p.m. (PWT). Testimonial was in recognition of a more than nine-year association between the network and Miss Rich as well as her sponsor, according to Don E. Gilman, BLUE western vice-president.

Kirkman Poised

KIRKMAN & SON, Brooklyn (soap), is considering a test campaign in Ohio or a network hookup for its weekly half-hour show on WOR, New York, *Can You Top This?* Recordings of the program would be used on Ohio stations, retaining the sponsors commercials. Kirkman has renewed the show on WOR, Mutual affiliate, for 52 weeks, starting in mid-July. N. W. Ayer & Son, New York, is the agency.

MBS 'Superman' Plans

ADVENTURES of "Superman" will be presented on MBS as a five-weekly live show starting Aug. 31. A transcribed serial based on the comic strip character is now sponsored on local stations. *Superman* will occupy the 5:30-5:45 p.m. spot on MBS to be vacated by General Mills, Minneapolis, when the company moves *Jack Armstrong* to BLUE Sept. 14.



WAYNE WELCH has been merchandising manager of KSO-KRNT for four years. Of his ten years in the advertising business, seven have been in radio sales and promotion.

LEO F. COLE has been Cedar Rapids merchandising manager of WMT since it became a Cowles station. His knowledge and experience have proven invaluable to WMT advertisers.

RALPH J. ROWE has handled merchandising for WMT in Waterloo for six years — one reason why WMT produces so well for advertisers. His ability has been proven by results.

ARDEN E. SWISHER has been merchandising for WNAX in Sioux City and Yankton two years. Formerly in newspaper advertising and sales promotion with a midwest packing company.

Today — every day — is "moving day" for YOUR merchandise when it is advertised on the Cowles Stations. And it's not just because of the grand job the Cowles Stations do as an advertising medium. The follow-up is important, too.

For, when you buy the Cowles Stations, you also secure the services of four expert merchandising men to supply the extra push that helps start the ball rolling — that moves YOUR merchandise.

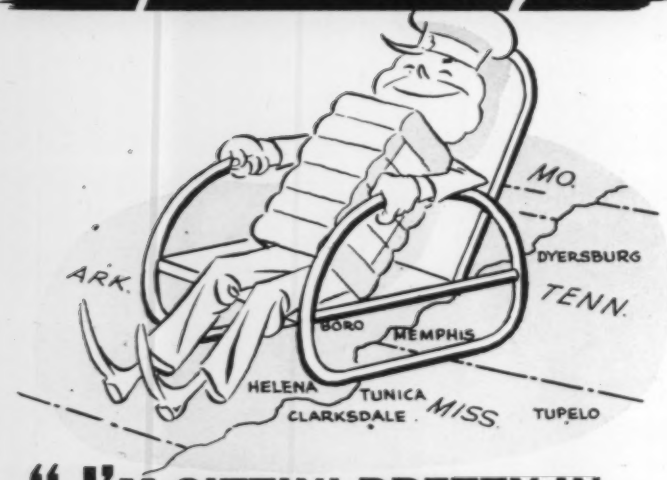
These men, attached to the individual stations, supervise an important 5-market merchandising operation — in Des Moines, Cedar Rapids, Waterloo, Sioux City and Yankton. They are the backbone of an individualized merchandising service that would be hard to duplicate in a "we-cover-everything" station.

They, and their staffs, are a part of the Cowles Stations package that make it a real buy. They make it "moving day" for Cowles Stations advertisers. They've done it before and they are doing it again—and again.

THE Cowles STATIONS

Represented by The KATZ Agency

"Cap" Cotton says!



"-I'M SITTIN' PRETTY IN MEMPHIS FOR 1942"

"First, Cotton prices are highest in 12 years . . . then we had 24 new industries to start in Memphis in 1941 Tremendous new defense plants are in full operation in the Memphis area and to top it off, Memphis led all bigger cities in the U. S. in retail sales gains last year. RETAIL SALES 57% INCREASE

Yours, "Cap" Cotton

P. S. You can get to this market over WMC, the Commercial Appeal Radio Station."

WMC

NBC RED NETWORK
5,000 WATTS DAY
1,000 WATTS NIGHT

REPRESENTED NATIONALLY BY THE BRANHAM CO.
MEMBER OF THE SOUTH CENTRAL QUALITY NETWORK

MEMPHIS, TENN.
OWNED AND OPERATED BY
THE COMMERCIAL APPEAL

the cotton capital of the world!
the industrial capital of the Mid-South!

Studio Notes

TAXI DANCE HALL technique will be applied by WCAU, Philadelphia, to aid in the drive in behalf of War Stamps and Bonds. Depending on permission required from the city authorities, WCAU plans to sponsor a weekly series of war stamp dances at the outdoor Reyburn Plaza adjoining City Hall. Joey Kearns and orchestra will provide the music for dancing, which will be thrown open to the general public at the scale of a 10-cent War Stamp per dance. A broadcast will originate from the Plaza each week.

WIBG, Glenside, Pa., has started construction of its new transmitter towers to be located at Harmanville, Pa. The new transmitter will increase the station's power to 10,000 watts and place the station in the fulltime class.

REFUGEES SPEAK on the weekly *WLAC Salutes—The United Nations* in Nashville to tell of their flight for freedom to F. C. Sowell, general manager of WLAC, who conducts the program. Up to the present refugees of Czechoslovakia, France, Germany and China have told their stories in behalf of the sales of war bonds.

MBS broadcast May 31 commencement exercises of 88 grade school and high school students representing 25 states from Father Flanagan's Boys Town keyed through KBON, Omaha, with Hugh Barlow at the mike. Feature speakers were Father Flanagan, founder and director of Boys Town, and Henry Monsky, International president of B'nai B'rith. Boys band and choir provided music.

1,166 NEWS programs, ranging from five-minute to quarter-hour, are broadcast weekly on 11 Chicago stations. Two local sponsors lead with 168 newscasts a week sponsored by Mandel Bros. department store on WIND, and 140 by Walgreen Drug Co. on WJJD WCFL WGN WMAQ and WENR. Number of news programs on each station per week is: WIND, 292; WGN, 143; WCFL, 117; WBBM, 116; WMAQ, 110; WAAF, 72; WGES, 70; WENR, 69; WLS, 68; WJDD, 49; WAIT, 48.

NEWS in Spanish and recorded music are combined in a half-hour program by WTSP, St. Petersburg, Fla. It is directed at Latin American citizens. A similar program is broadcast in Italian.

AT A RECENT launching of a Victory Ship from Wilmington shipyards, WPTF, Raleigh, N. C., set up a parabolic mike at the water's edge and caught a vivid sound effect of the launching. Wesley Wallace and Henry Hulick handled the pickup.

EVERY Saturday morning CHML, Hamilton, Ont., stages a *Market Quiz*, covering subjects of interest to farmers, shoppers and storekeepers, with prizes offered.

WCBI, Columbus, Miss. has moved its remote studios in West Point, Miss., to the Star Theatre building since the previous location in the Hotel Clay was no longer available owing to the rapid population increase resulting from the local war plant. Studios on the campus of the Mississippi State College for Women have been closed for the summer.

KALE, Portland, in celebration of Maritime Day gave a description of launching of three ships from Portland shipyards. Art Kirkman and Johnny Carpenter described the event for transcription.

WIBX, Utica, N. Y., has been broadcasting daily the induction of new draftees as well as descriptions of the parades to the railroad stations. Broadcasts continue until June 1 when government officials will decide their future status.

A PLAQUE in recognition of the assistance rendered by KYA, San Francisco, in the promotion of the ideals and aims of the San Francisco Chamber of Commerce, was presented to Harold H. Meyer, just before his retirement last week as manager to assume the same post at WSRR, Stamford, Conn.

WMRF, Lewiston, Pa., will broadcast the *Pennsylvania State College Speech Hour* throughout the summer. Each program will consist of roundtable discussions and programs in interpretative reading.

KLS, Oakland, recently signed a contract with the IBEW covering salaries and working conditions of its combination men. Base pay is $49.50 per week.

WMRN, Marion, O., disputes the claim of WBML, Macon, Ga., that it was the first station to broadcast naturalization ceremonies from a court room, as related in the May 25 BROADCASTING. WMRN claims that on Nov. 28, 1941, it broadcast the naturalization of 16 persons in the court house of Marion.

KGFW, Kearney, Neb., in one day from 1 p.m. to midnight raised $2,000 of a $2,500 goal for the USO clubs of Buffalo County. This campaign shortly followed a drive by the station for the Red Cross Emergency Fund in which more than $5,000 was raised.

WFBC, Greenville, S. C., teamed with civilian defense airplanes in a recent blackout. The planes' radios were tuned to the station during the blackout for instructions and a blinker system was used to locate areas where blackout violations occurred. When the planes' lights flickered WFBC would promptly notify residents of the area of the violations.

WELI, New Haven, recently presented Catherine Hood, deafened six years ago by meningitis, to listeners of *What's Your Hobby?*, conducted by Golbert Stringer. Miss Hood explained lip-reading technique and revealed that she engaged in such hobbies as etching, writing, feeding and studying birds, teaching "speech reading" to children and playing chess.

WWL, New Orleans, has received a letter of thanks from a naval commander for the prompt action of Engineers Bobby Grevemberg and Eddie Dutreil in giving first aid to a naval flier who crashed in a training plane near the station's transmitter.

A SECOND section of the May 30 edition of the *Tampa Times* was devoted to the 20th anniversary of WDAE, under the same ownership, and carried extensive advertising, illustrations and news to mark the occasion.

HONOR of holding the pinochle hand of the century—1,000 aces and a sequence—is claimed by Eddie King, announcer of KPO-NBC, San Francisco. It happened during a recent session at the card tables. Old-time pinochle players said they had never seen it happen before.

WCKY Adds AP

NEWS WIRE of AP will begin service in the newsroom of WCKY, Cincinnati, June 15, according to an announcement last week by L. B. Wilson, president and general manager. Thus, according to Mr. Wilson, WCKY becomes the first station in the city to use both the AP and UP wire. As a result of the war the station reports a tremendous increase in the scope and frequency of news broadcasts and news sponsors include Planters Peanuts, Hudepohl Brewing Co., Art Dry Cleaning Co. News announcers heard regularly on these and other news programs are Reg Davis, Jack Foster, Bob Little, Bill Robbins and John Watkins.

46 STATIONS in Michigan, Indiana and the Central South have been signed to carry Terre Haute Brewing Co.'s new program, *One for the Book*, featuring Sam Balter in five-minute transcriptions of sports action stories. Here William Polje (center), president of Pollyea Advertising Agency, Terre Haute, signs the contract, with Vice-President Alvin Unger of Frederic W. Ziv Inc., Cincinnati producer of the program, at his left and R. J. Polen, the agency's radio director, standing.

Schairer Gets Degree

OTTO SORG SCHAIRER, vice-president of RCA in charge of the RCA Labs., has been awarded the honorary degree of Doctor of Engineering by the U of Michigan in recognition of "the unusual achievements of one of the University's alumni in the conduct and administration of scientific research for industrial purposes." The degree was conferred at the Commencement Day exercises May 30 at Ann Arbor, Mich. Dr. Schairer was graduated from the U of Michigan with an A.B. degree in 1901, and received his B.S. degree in electrical engineering in 1902.

WOR Photo Prizes

FRANK KNIGHT, announcer of WOR, New York, was top winner of the WOR Amateur Photographic Exhibit held last week at the Hotel Pierre, New York, for staff members of the station interested in photography. Knight won the grand prize. Other winners were Ralph Schlegel, recording engineer; Pat Miller, engineer; Fritz Street, head of the sound effects division; Milton Kaye, pianist of the WOR Symphony Orchestra; Robert A. Simon, continuity director; John Anspacher, publicity department; Dave Driscoll, director of special features and news; Al Durante, publicity.

PERSONALITIES SELL!
SHOWMANSHIP PULLS!

•

GET THEM BOTH
IN PLUS QUANTITIES
on

WING

The DAYTON, O. Station
5000 Watts Day and Night
Blue and NBC Nets

CONTINENTAL OIL'S 193-STATION LIST

CONTINENTAL OIL Co., Ponca City, Okla., for Conoco products, this month is resuming its campaign of one-minute transcribed announcements three to five times weekly on 193 stations. The spots, placed in April, ran through May and after a short hiatus, are returning for the June, July and August period. Agency in charge is Tracy-Locke-Dawson, New York, and stations carrying the campaign are:

WOL	WKBH	KBUR	KGIW
WRC	WKZO	KRNT	KVOR
WBAL	WMT	KSO	KFEL
WCAO	WACO	KGLO	KLZ
WFBR	WFAA	KMA	KOA
WJEJ	WBAP	KGGF	KIUP
WAYS	WKY	KGNO	KFXJ
WSOC	WSMB	KTSW	KOKO
WCNC	WDAN	KWBW	KGHF
WFNC	WDSU	KOAM	KIDO
WGBR	KPLC	KSAL	KID
WFTC	KMLB	WIBW	KRLC
WRAL	KTBS	KANS	KFXD
WMFD	KWKH	KFBI	KSEI
WGTM	KADA	WATW	KTFI
WSJS	KVSO	WHDF	KWAL
WCOS	KASA	KVFD	KGHL
WMRC	KCRC	WMFG	KRBM
WORD	KBIX	WJMS	KGIR
WCHV	KTOK	KGCA	KFBB
WJMA	KHBG	KYSM	KPFA
WSVA	KGFF	WDMJ	KGEZ
WLVA	KOME	WDGY	KRJF
WGH	KVOO	KROC	KGVO
WTAR	KRBC	KFAM	WGCX
WRNL	KGNC	WDSM	KGGM
WDBJ	KTBC	KFVS	KOB
WINC	KBST	KWOS	KAVE
KFPW	KNEL	WMBH	KICA
KTHS	KBWD	WDAF	KWEW
KARK	KRIS	KMBC	KGFL
KCMC	KROD	KWOC	KVSF
KALB	KGKO	KFEQ	KSUB
KVOL	KLUF	KMOX	KVNU
WJBC	KPRC	KWK	KLO
WCAZ	KTRH	KGBX	KEUB
WDWS	KFRO	KMMJ	KOVO
WSOY	KFYO	KFAB	KDYL
WGIL	KRBA	WJAG	KSL
WTAD	KRLH	KGNF	KDFN
WROK	KNET	KOIL	KFBC
WHBF	KPLT	WOW	KPOW
WCBS	KIUN	KGKY	KVRS
WTRC	KGKL	KFYR	KWYO
WGBF	KRRV	KABR	KFPY
WIND	KTSA	KOBH	KHQ
WKBZ	KRGV	KSOO	KUJ
WTAQ	KWFT	KWAT	KIT
		WNAX	

Quizmaster Thomas

LOWELL THOMAS, BLUE commentator, has been selected as quizmaster for the session on "How We Are Solving Our Wartime Advertising and Selling Problems", to be held as part of the 38th annual convention of the Advertising Federation of America, June 21-24 at the Hotel Commodore, New York.

AFA to Hear Peare

ROBERT S. PEARE, manager of the publicity department of General Electric Co., Schenectady, and treasurer of the Advertising Federation of America, will discuss how the wartime jobs of advertising can be worked out by individual advertising men and women, at a session June 24 of the AFA's 38th annual convention.

General Foods Change

GENERAL FOODS Corp., New York, will shift repeats of its NBC show, *Maxwell House Coffee Time*, via shortwave to American troops abroad from Friday, 1:15 p.m. to Saturday, 11 a.m., effective June 13, taking the spot vacated by Jack Benn's Jell-O show for the summer. Program will be aired on behalf of a different General Foods product starting June 24 when it will be called *Post Toasties Period*. Benton & Bowles, New York, handles both products.

Filler for Fibber

S. C. JOHNSON & SON, Racine, Wis., on June 30 will replace *Fibber McGee & Molly* with *America Sings*, musical program featuring Meredith Wilson's orchestra from Hollywood, on 120 NBC and CBS stations, Tuesdays, 9:30-10 p.m. *Fibber McGee & Molly* will return Sept. 29. Agency is Needham, Louis & Brorby, Chicago.

NOTE TO TOKYO—Location of Shangri-La has been established. For several years WWNC, Asheville, N. C., has been announcing as a station break that "this is WWNC, Asheville, North Carolina, the Shangri-La of Eastern America".

AGENCY Appointments

A TAXIN & SONS, Philadelphia (Little America frozen foods), to J. M. Korn & Co., Philadelphia.

STERLING PRODUCTS, New York, (Blackstone Aspirin, "Califigs" Syrup of Figs), to Sherman & Marquette, Chicago.

QUAKER OATS Co., Chicago (Vitafers), to Sherman & Marquette, Chicago.

CENTRAL WINERY Inc., Fresno, Cal., to Weiss & Geller, New York and Chicago, for Legend, Lango and Golden wines. Radio to be used exclusively for next three months.

UNITED BREWERS Industrial Foundation, New York, to J. Walter Thompson Co., New York. No radio contemplated at present.

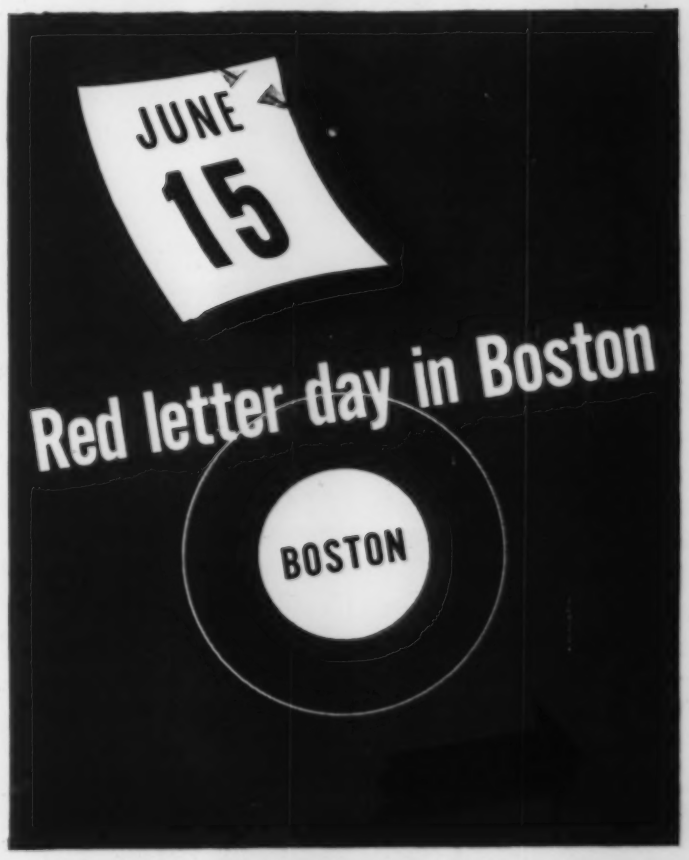
AIRESEARCH MFG Co., Inglewood, Cal., (cabin pressure control system), to J. Walter Thompson Co., Los Angeles. Advertising plans in formative stage.

E. FOUGERA & Co., New York (Magitex Dog Bath), to Bermingham, Castleman & Pierce, New York. Current spot campaign on two stations will end next month. No further radio plans made.

S. C. KURTZ Mfg. Co., Los Angeles (oil burners), and Jean Le Seyeaux & Co., Los Angeles (costume jewelry mfgrs.), to Hillman-Shane-Breyer Inc., that city.

Tomlinson's Tour

EDWARD TOMLINSON, BLUE authority on inter-American affairs, will leave for a three-month tour of inspection and observation of Central America in latter June. Tomlinson's annual visit to Latin American countries will be divided this year into two tours, the second to be made next December and January, when he will visit the southern half of South America. During his summer trip, Tomlinson will make a first-hand study of defense and war preparations in the Caribbean area, gathering material for subsequent broadcasts and lectures.



The picture around the old cracker barrel hasn't changed much. Clem still whittles by the hour. Doc still hits the spittoon plumb center at five paces. Harry still snaps his suspenders.

But it's lots different in another way.

The boys aren't talking much. They're listening.

They're listening to news of the war. They're getting impressions from all the world. They're getting direction, education and inspiration. The way they get them molds America.

It's Radio's job to see that they get them right.

In the CONTROL ROOM

CHARLES C. RODER and Elmer J. Cummings have been added to the engineering staff of KYW, Philadelphia. Roder, formerly of WHN, New York, and WCBM, Baltimore, was assigned to the studios. Cummings, prominent in local amateur radio circles, was assigned to the transmitter at Whitemarsh, Pa.

ROBERT ARTMAN, engineer of WTAQ, Green Bay, Wis., has joined the Army Signal Corps as an instructor in radio technician courses in Green Bay and West DePere under direction of Rev. L. F. Jacobs, of St. Norbert College, which owns and operates WTAQ.

JOHN GJERULDSEN, formerly a transmitter operator at WOR, New York, has joined the Army. He is replaced by Henry E. Harrison.

LEROY JOLLY and Jay Dirks have resigned from the control room of KFBI, Wichita, to join the Signal Corps school at Omaha. Replacements are George Archer, formerly of KMBH, Joplin, and Leslie Campbell, formerly of KITE, Kansas City.

JOHN B. HAUSLER, formerly of WCOS, Clinton, Ia., and Robert Swift, new to radio, have joined the engineering staff of WJJD, Chicago.

JOHN BARTLOW, of the engineering staff of WDWS, Champaign, Ill., has joined the Army Signal Corps.

MAXWELL WILLIAMS has been promoted to chief engineer of WCBI, Columbus, Miss., replacing P. C. Mease. Lawrence Watson has joined the staff as a remote engineer. Monroe Mooney, remote engineer, is at the National Defense Radio School, Memphis, qualifying for a second class permit enabling him to become a staff engineer. Marcella Billups, an accountant, is taking a daily turn at the controls to familiarize herself with procedure in the event of an emergency.

WILLIAM C. BUCKLEY, formerly of KFDA, Amarillo, and KGGM-KVSF, Albuquerque, and Santa Fe, N. M., has been named chief engineer of KDB, Santa Barbara, Cal.

ROBERT ARMSTRONG, engineer of KGNC, Amarillo, Tex., is the father of a baby boy.

CHARLES BEARD, of the engineering department of WWNC, Asheville, N. C., has announced his engagement to Eileen Pittillo, secretary in the station's commercial department.

WILLIAM E. BEHNKEN, from WILL at the U of Illinois, has joined the engineering staff of WGST, Atlanta, and is attending Georgia Tech.

RICHARD PECK, formerly with KARK, Little Rock, has joined the staff of WOW, Omaha, as a broadcast operator.

ROY BROWER, formerly of the operating staff of KFBI, Wichita, is in the Army at Ft. Riley. He was replaced by Ted Church, formerly of KITE, Kansas City.

SONYA BARNETT of CHEX, Peterborough, Ont., has joined CKRN, Rouyn, Que., as traffic manager.

BOB WOOLNER, CFCH, North Bay, will leave shortly to join the Royal Canadian Air Force.

ORVILLE STONE has been appointed program director of CGCH, North Bay, Ont.

JOHN M. HALL has joined the engineering staff of KOA, Denver, replacing Bill Kumpfer who has accepted a civil service post in electronics research.

NBC REUNION of engineers now serving with the U. S. Army Signal Corps at Ft. Monmouth, N. J. As they stood reunited (l to r): Maj. F. C. Shidel, Capt. P. H. Clark and Lt. T. E. Gootee, all formerly of Chicago, and Sgt. Phil Falcone, NBC-New York.

New Willys Technique Seen Vital to Radio

NEW METHODS of "radio spark suppression," developed as an aid to wartime communication, by Willys-Overland Motors, Toledo, O., will have a tremendous effect on the future of radio and television, according to Delmar G. Roos, chief engineer, who directed the company's research project in cooperation with the Army Signal Corps.

Engineers at the Willys factory, now producing "jeeps" in place of passenger automobiles, have developed a new technique which, applied to mass production for the first time in history, enables motorized weapons to send and receive shortwave messages without interference created by electrical equipment of gasoline engines, Mr. Roos said.

He predicted that the new methods will make hundreds of wave bands available which were previously useless. He foresaw the time when civilian automobiles may be required to be equipped with "spark suppression" apparatus, allowing greatly improved reception, with the added possibility of two-way communications from automobile to home or office. Owners of regular receiving sets, and police communications will benefit greatly from the development, he said.

What's In a . . .

LLOYD CREEKMORE is the name of the new sound effects manager of KGO, San Francisco. He was formerly with NBC in Hollywood.

FLORENCE CONNELY has joined the recording and engineering department of WOR, New York, replacing Junumae Fallon, on extended leave. John Gjeruldsen, of the transmitter staff at Carteret, N. J., has joined the Army and is replaced by Henry E. Harrison. Frances Neale has joined the engineering office, replacing Virginia Cornish, who has been transferred to the publicity department.

PATRICK WALSH, technician of KPAS, Pasadena, Cal., and Bernice Brusha, of Los Angeles, have announced their engagement. Wedding is scheduled for Aug. 24.

JOSEPH L. McFARLAND, chief engineer of WEXL, Royal Oak, Mich., has resigned to join the Army Signal Corps as an associate radio engineer in the Detroit office. Jeorme Steadley, an operating engineer, succeeds him.

JOHN LENNHOFF, formerly a part-time employe of W65H, Hartford, has been appointed a full-time junior control room operator.

DIATHERMY CLOSURE
Doctor's Machine Removed Due to Interference

MARKING the first closure of a diathermy machine in wartime, the Defense Communications Board May 28 ordered Dr. W. L. Smith, Monroe, La., to cease operation since his machine has caused "serious radio interference" to Air Force operations in that city. Acting under its authority allowed by an Executive Order (8964), issued Dec. 10, 1942, the DCB further ordered that the equipment be removed from the possession of the owner.

On April 16, the DBC directed the FCC to register all diathermy equipment and May 16 the FCC announced the compulsory registration of all diathermy machines no later than June 8 [BROADCASTING, May 18, 1942]. At that time the express purpose of the registration was to provide the Government with a positive check on the location of each machine to prevent any possible use for subversive purposes.

Use of Ham Operators In Air Raids Considered

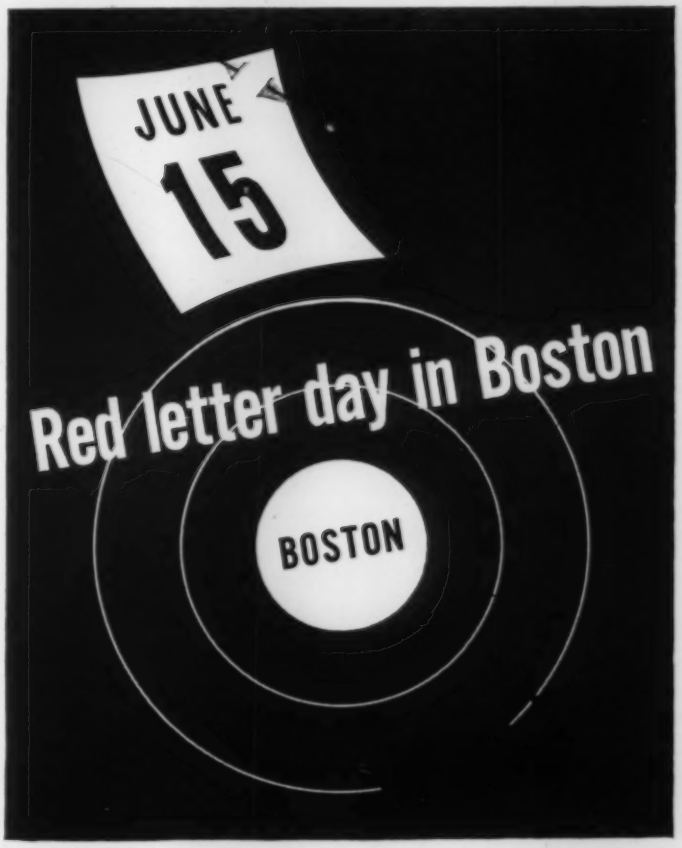
HAM OPERATORS, whose activities have been on a see-saw basis since the outbreak of the war, may be utilized by the Office of Civilian Defense to relay instructions in case or air raids.

The amateur operators, who were taken off the air by FCC order, later allowed to operate on a restricted basis by the DCB and then again taken off the air by FCC order on a DCB recommendation, may be coordinated to function with the OCD in the event of Axis raids.

The OCD has approved the plan, it was said, and has submitted it to the FCC for consideration. According to the OCD the amateurs could be utilized in cases where regular communications were overtaxed or to assist outlying districts where there are no communications facilities. At the FCC it was said the plan has been given study in the past two months and the matter may come to a head at a discussion of the Commission tentatively planned for next week.

Problems confronting the plan, the FCC said, are that it will be difficult to convert the amateurs' sets to the desired 5-meter wavelength, also, instructions and indications of damage during air raids, when relayed by the amateurs, could easily be picked up by submarines lying outside coastal towns. Licensing and certification are other problems.

If the plan goes through it is expected only a select group of amateurs will be allowed to function. Indication that the plan may not be approved was the FCC's observation that in England instructions during air raids are relayed by bicycle and motorcycle couriers and radio is not used.



Boake Carter Available

BOAKE CARTER, MBS commentator heard five times weekly, 12-12:15 p.m., is now available for local sponsorship in areas not conflicting with his Monday, Wednesday and Friday broadcasts, sponsored on 21 MBS stations by Land O'Lakes Creameries, Minneapolis. Program has heretofore been fed as a sustainer to the remaining network on those days, as well as on Tuesday and Thursday.

OFF Suggests Use of Negro Employes By Industry Where Openings Are Found

TO ALL networks, but to only a select few program producers and radio stations, the Office of Facts & Figures last week addressed a memorandum captioned "The Negro Problem and Radio" and suggesting that "the best contribution radio can make to meeting the entire problem is by remembering Negroes whenever a program is being worked out on which they or their contributions can be included —and included unostentatiously."

Termed a Suggestion

Not issued as a "directive" but rather as a suggestion, the memorandum was sent to a picked list in radio because it was explained OFF did not desire or intend to allege Negro discrimination on the radio. The memorandum was not made public until a New York recipient released it to a reporter. Attached to the memorandum was a bibliography of source material on Negroes and their role in American life and in the war effort. The text follows:

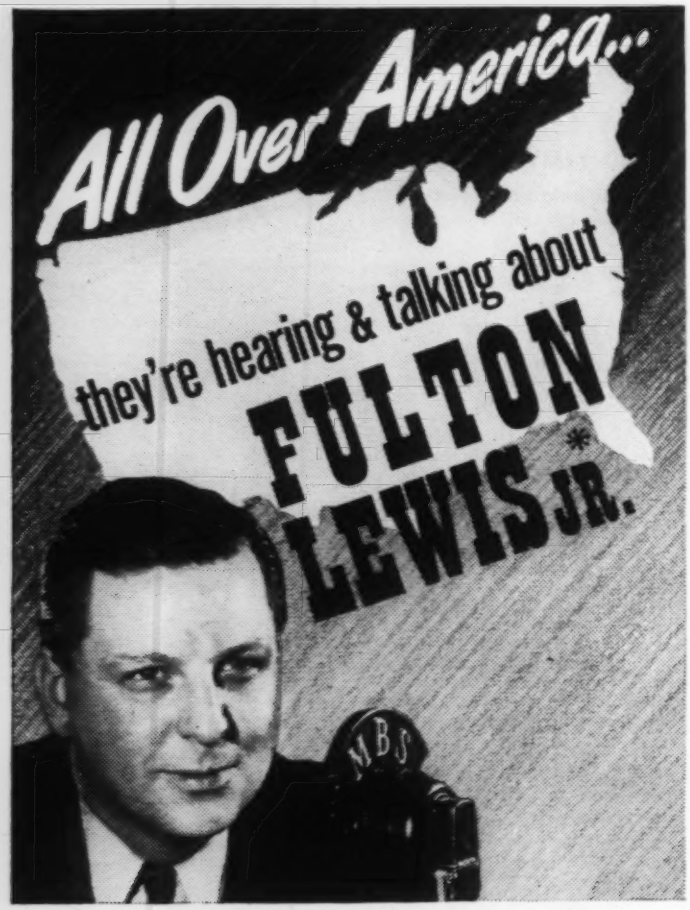
The Negro problem is bad and getting worse. Discrimination and prejudice are engendering a widespread resentment and a condition favorable to racial disorders. The Axis knows this and, through its propaganda channels, is furthering divisionism to help disrupt America's war effort.

The Negro problem, of course, cannot be wiped out overnight. But what can be done and should be done is equally obvious. By every means possible, mutual friendship and understanding and respect should be fostered. Achievements by American Negroes on all fronts should be brought to the attention of the general public. More important, a conscious effort should be made to include mention of Negro participation in phases of our daily life, as well as the war effort, alongside mention of other elements of the population.

This does not call for special pointing out of Negroes or obvious attempts to place laurels on their heads. Negroes are an integral part of the population, and they should be treated as such and not as a group standing off by itself. In short, the best contribution radio can make to meeting the entire problem is by remembering Negroes whenever a program is being worked out on which they or their contributions can be included—and included unostentatiously.

Many programs are already doing a constructive job in this direction. Some, on the war, have included mention of Negro heroes. Some, on production, have included Negro workers. Others have drawn attention to outstanding Negro cultural contributions to our civilization.

All this is a good start—but only a start. It is hoped that you will understand the problem and, wherever possible, give recognition to the fact that among the 130-odd million Americans fighting this war for survival there are 13-million liberty-loving Negroes, doing everything they can to win just like everyone else.



• *WASHINGTON'S FAMED COMMENTATOR*

Now on 165 Mutual Stations

★AVAILABLE

FOR SPONSORSHIP IN YOUR CITY

Fulton Lewis, Jr., is destined to be Radio's "big name" of the year! His keen analysis of the news—his sensational "scoops"—his exclusive information—each day over 165 Mutual Stations from coast-to-coast are gaining thousands of new listeners. Here's an outstanding feature that means RESULTS for every sponsor—56 of them now, promoting and *selling* 50 different products and services—a greater variety of sponsors than any other radio personality! Get busy now and sell Fulton Lewis, Jr., in *your* town—he is yours to sponsor right now at only your *one time* quarter hour rate *per week!* Wire, phone or write WM. B. DOLPH, WOL, WASHINGTON, D. C.

ORIGINATING FROM **WOL** WASHINGTON, D. C.
Affiliated with the MUTUAL BROADCASTING SYSTEM

Rep. Patrick Defeated

REP. LUTHER PATRICK (D-Ala.), who rose from commentator on WBRC, Birmingham, to a seat in Congress in 1936, was defeated for reelection June 2 in the Democratic runoff in the Ninth Alabama District. He conceded the election to John Newsome, Birmingham businessman. Although Mr. Patrick has taken little part in matters involving radio legislation in Congress during his incumbency, until recently he had been appearing regularly as a commentator on WWDC, Washington, part of the time sponsored by a local cleaning firm.

SHIPBUILDING on miniature scale is relaxation for George L. Moskovics, CBS Pacific Network Sales Promotion Manager. Aside from his hobby of building authentic clipper ship models, he is an authority on old sailing ships.

AIR PLAYS FOR RAIDS

Recorded Versions Designed For Shelters

RADIO PLAYS, enacted by dramatic students, are being recorded for use in air raid shelters, as a measure to eliminate panic, in an experiment conducted by Cooper Union, New York, as part of the institution's defense program. The recordings will be stored and used only in the event of an alert, when the student body is directed to take shelter in one of the campus buildings.

First play, to be enacted and recorded by students of Cooper Union Dramatic Club, is *My Client Curley*, humorous piece by Norman Corwin, radio writer who produced *This Is War*. The project is directed by Ralph Childs, of the college's humanities department. The first recorded production was made at a total cost of $3.60.

BROADCAST SYSTEM IN CANADA PROBED

THAT THE Canadian Broadcasting Corp. had grown too big to be managed by one man and that Maj. Gladstone Murray, CBC general manager, was losing his own money, not profiting, from his post, were two highlights revealed in the recent testimony heard by the Parliamentary Committee investigating the CBC at Ottawa.

Organization of a permanent parliamentary committee to keep informed on radio was suggested by Maj. Murray, as he thought such committees would be helpful.

M. J. Coldwell, a committee member, told the committee he felt the CBC board of governors had failed to fulfill a public trust when in November, 1940 it had expressed "full and complete confidence" in Gladstone Murray as general manager, and in March 1941, reduced his authority by giving added power to the assistant general manager, Dr. A. Frigon.

He asked what occurred between these two dates when by-laws were amended, giving the assistant general manager some power previously held by the general manager. Rene Morin answered that nothing had occurred between those dates, but that the CBC had grown to such an extent that it was not possible for one man to look after all departments. Dr. Frigon now looks after all commercial, engineering and staff departments.

Purely PROGRAMS

THE SEVEN STEPS to curb inflation, suggested by President Roosevelt in his April 28th address, are the basis for talks by government officials in *The Fight Against Inflation*, twice-weekly series which started on MBS Wednesday June 3, 8:15-8:30 p.m. with a broadcast by Henry Morgenthau Jr., Secretary of the U. S. Treasury.

Among the speakers to be heard on the series are: Claude R. Wickard, Secretary of Agriculture; Robert P. Patterson, Undersecretary of War; Donald M. Nelson, Chairman of the WPB; Leon Henderson, Administrator of the OPA; Jesse H. Jones, Secretary of Commerce; and William H. Davis, head of the National Defense Mediation Board.

* * *

Defense Club

UNIQUE in war shows, WFIN, Findlay, O., produces the *1330 Defense Club*, daily, receiving as members only those who contribute one or more war stamps with the donor's name written across the face of the stamp. The stamps are pasted in various designs on the walls of the station's largest studio with the pledge that they will remain for the duration; at the close of the war, all stamps will be donated to the veteran's organization which grows out of it. Among present club members are Gov. John W. Bricker of Ohio and Lynn U. Stambaugh, national commander of the American Legion. Names of new members are broadcast each day and martial music by transcription provides the remainder of the program's material.

* * *

Chinese Word

TITLED *The Chinese Have a Word For It*, it's a weekly feature of KOY, Phoenix and is claimed the only radio program in this country teaching the Chinese language. It is written and produced by G. Herbert Cole, interpreter for Chinese aviation cadets stationed in Salt River Valley.

* * *

Folklore and Folks

VARIOUS phases of American life will be treated in a thrice-weekly series of programs this summer on MBS presented by the radio department of the U of Kentucky. Titles of the broadcasts are "Southern Appalachian Folklore", "What Makes American Music", and "Lincoln, the Youth".

"It was a bad day for me when you heard that recruiting spot on WFDF Flint Michigan!"

In Time of Trouble

A RELIGIOUS program for all creeds started on NBC June 7, dedicated to all listeners who "whatever be their creed—in times of great trial and tribulation, turn to God for comfort and guidance." Titled *We Believe*, the weekly series will present best-loved hymns of the great faiths, under the direction of Dr. Frank Black, general musical director of NBC. A narrator will read from the Scriptures. NBC presents the program as "a contribution to the spiritual strength of our nation".

* * *

School Work

AS AN EYEOPENER to show adults exactly what Los Angeles County school children are contributing in the all-out war effort, KNX, Hollywood, on May 16 inaugurated a special series of weekly student round-table discussion. Titled *Democracy's Workshop*, and directed by Chet Huntley, assistant director of public relations, each of six broadcasts features students from a different public school in discussion of their respective phase of war industry work.

* * *

Nature Lore

NATURAL HISTORY course which has been a regular NBC summer feature for several years, *Nature Sketches*, returns to the network June 13. Broadcasts will be built around a nature study field tour conducted in Rocky Mountain National Park, Colorado, by Raymond Gregg, Park naturalist. Emphasis will be placed on the recreational value of America's parks and on the need for outdoor life in the nation's war effort.

* * *

Prep Appeal

STRICTLY for the high school audience WGL, Ft. Wayne, has aired *Prep Session*, during the year with the cooperation of the local school system. The program has featured campus news delivered by students themselves, the top song of the week determined by balloting the entire school enrollment and audience gags with students participating. With the close of school, the program will fold for the summer.

* * *

In Rhyme

RHYMED continuity throughout the program is a feature of MBS *Musical Trends*, half-hour musical program originated by WGN, Chicago, started June 3. The program will consist of popular ballads, jive, swing and other musical types of combinations from the 32 piece WGN orchestra.

* * *

Russian Times

CONTEMPORARY and traditional Russian music will be heard in a series of weekly programs presented on WQXR, New York, under the auspices of the Russian War Relief Society.

War News

TO ACQUAINT listeners in the New York area with latest developments in the war effort, WABC, New York, is presenting a thrice-weekly quarter-hour program *Listen Neighbor*, with Army officers and representatives of civilian defense groups and government agencies as guest speakers. The show also carries interviews with sailors and soldiers of all countries of the United Nations as picked up at the Defense Recreation Committee headquarters in New York.

* * *

Sunday Hymns

WITH A religious note predominating, *Till We Meet Again* started on BLUE Sunday, June 7, dedicated to the men in the armed forces. Families and friends of enlisted men, who make up the studio audience, join in singing hymns and old songs in a musical get-together conducted by Frank Luther. The Luther-Laymen Singers participate in the program and Ted Malone, of the BLUE's *Between the Book Ends*, delivers an inspirational message.

* * *

How to Sign Up

LATEST INFORMATION on how civilians may best apply for service of value to the country's war effort is heard in a five-minute thrice-weekly public service feature on WMCA, New York, titled *Civilian Defense News*.

At Ease

WITH part of the talent recruited from artists working in local shipyards, other war industries and military camps, KOIN, Portland, has started *Company at Ease*, once-weekly feature. Script is done by Bill Mears, Johnny Carpenter is m.c. and Clarence Talbot is producer. The show also features the KOIN orchestra and various ensembles directed by Joe Sampietro.

* * *

Family Stuff

A MADCAP FAMILY is the center of *It Runs in the Family*, weekly serial starting on NBC June 13, 11 a.m. Principals of the adventurous Creighton family are Serena, the mother, a mystery-thriller writer; Chris, the father, a sculptor; two children and a hobo who has turned cook.

* * *

Morning Symphony

SYMPHONIC music after breakfast will be presented on *Concert Hall*, full-hour program of recorded classical music Monday through Saturday on WJJD, Chicago. The mid-morning hour was chosen for the benefit of listeners who find late evening hours inconvenient.

* * *

Sharing Travel

ACTING to ease the transportation shortage in and around Washington, WOL has instituted a *Share a Ride Club* to provide motorists with destination cards for display in the windshield. The idea is publicized on programs.

* * *

Sound Advice

HOMESPUN philosophy about the war, rationing and other current conversational subjects is the format of the *Tips From The Ol' Schoolmaster*, nightly half-hour program of WSB, Atlanta.

LETTER DAY IN BOSTON
50,000-WATT WBZ
JUNE
15
WBZ

BZ JOINS THE NBC RED NETWORK...

Here's *new* impact for you on the network most people listen to most—impact right in the heart of New England's richest market: On June 15th, 50,000-watt WBZ, Boston, one of America's first stations, joins America's first network, NBC RED.

Hurling your selling message with twice the power of all other Boston stations *combined,* WBZ brings you concentrated coverage of a market no national advertiser can afford to ignore.

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Jolt No. 2

RADIO TAKES a new lease on its commercial life with the Supreme Court opinion of last week repudiating the FCC's position on enforcement of its network-monopoly regulations. What looked like abject defeat for a regulation-ridden broadcasting industry at the hands of the FCC majority, in a twinkling has been transformed into sorely needed relief.

In reversing the district court in New York on the question of jurisdiction, the Supreme Court sent the whole case back to the lower tribunal for hearing on the merits. It found that injury has resulted from the mere issuance of the regulations, even though they have not yet been applied. And it did not deal any too sympathetically with the FCC's finely spun legalistic interpretation of when radio should have its day in court.

The majority's able opinion, written by Chief Justice Stone, is significant for several reasons. It marks the second time in two months the FCC has been set back on its heels by the court of last resort. In each instance, by devious legalistic means, it sought to avoid judicial control of its actions. The court, moreover, took pains to cite the FCC's "overrefined technique" in essaying to prove that the networks were in the wrong court at the wrong time.

Perhaps most important is the court's conclusion that the Commission is bound by its own regulations. It made crystal clear that the FCC, or any other administrative agency, can't place on the books regulations and then not invoke them. This is of far-reaching significance because of proposed or pending rules dealing with newspaper ownership, multiple ownership and related policy considerations. The FCC, in other words, can't hold a rule in abeyance as a club over the heads of licensees and then invoke the policies by threat, suasion or intimidation.

As for the network rules themselves, there still must be the trial in the court below. The Supreme Court did not decide their propriety or legality. We have never contended, in these columns, that all is well with network-affiliate relationships, or that inequities do not exist. Our position was and is that the FCC does not have the power to regulate business aspects of broadcasting and that the differences which obviously exist must be resolved between the private parties themselves.

Until the lower court decides on the merits, the FCC is restrained from invoking any of its rules. "The stay now in effect will be continued, on terms to be settled by the court below," said the Supreme Court majority. That instruction means it will be many months before any change in the status quo can occur.

The blow handed the FCC may result in further overtures by the FCC majority to reconcile the regulations with CBS and NBC. Actually, only one of the original eight rules—that outlawing option time—remains on the books in substantially its original onerous form. The others were practically negatived either by revision or by indefinite postponement.

The FCC might well drop the whole business as a bad job, rather than undergo lengthy litigation in these times, when there are infinitely more important things to be done. Besides, the House Interstate Commerce Committee is considering a new radio law, prompted by FCC regulatory excesses. It is up to Congress to say what it intended when it enacted the original statute, and how far it proposes to allow the FCC (or its successor) to go in future regulation.

Certainly the FCC should quit experimenting with an industry so vital to the national welfare, particularly in the light of the decisions in both the Scripps-Howard and the network-monopoly cases.

Radio's War Waifs

RADIO'S MOST troubled war waif is the foreign-language station. There are some 210 standard broadcast stations that broadcast programs in tongues other than English from one hour weekly to comparatively full schedules.

The value of native-tongue broadcasts is recognized by those responsible for the war's conduct. But the difficulty in policing operations in foreign languages, and of keeping tab on every word uttered lest our enemies be aided, is glaringly apparent.

A number of the more enterprising foreign-language stations have organized in an effort to maintain direct contact with Government war agencies interested in this vexing problem. They have opened an office in Washington. The job is a difficult one, but it isn't insoluble.

There are those who would ban all foreign-language broadcasting for the duration because of the almost insuperable task of policing. That would be the easy way out. But would it help the war effort? If those first generation Americans, who don't understand English, are cut off from their native tongue via the radio they have learned to trust, they would become easy prey for subversive elements. Moreover, many outstanding Americanization projects are being carried in foreign-language programs.

The ideal way of handling the Washington liaison, it seems to us, would have been through coordination with the NAB, amply staffed for the large detail task of handling questionnaires and of keeping the 210 standards posted on foreign language radio information.

It is unfortunate that FCC Chairman Fly saw fit to read the riot act to the group if they in any wise became identified with the NAB because of his antagonism to the NAB. The fact remains that NAB is still the industry's overall trade association, and is the only organization equipped to handle the infinite amount of detail work involved in pursuing the foreign-language station task in the war interest.

The facts must be faced, however, and the foreign station committee, heeding the Fly ultimatum, is operating independently. The stakes are too big to bicker and lose valuable time. Stations must be brought in line.

Radio is radio to the public and Government alike. The foreign-language stations are in a jam. If they fail in their mission, all radio bears the stigma. It's up to all involved to do their utmost in helping the foreign-language outlets to find a solution.

RATHER IRONICAL, isn't it, that the wartime Parliamentary investigation of broadcasting now going on in Canada has concentrated entirely on the organization and policies of the Canadian Broadcasting Corp., Government-owned and commercially operated—and does not hit at the operation of private commercial stations! As in the United States, the private stations are doing their utmost in the war effort and clamor for Government operation has all but died down.

Watch the Drys

CAPITOL HILL tells us that the drys are back again in force, apparently hoping to repeat their success of World War I days in foisting prohibition on the country.

To the broadcaster the recrudescence of the drys poses a policy problem. It is not for us to say that he should reject their proffers of sponsorship, if any, but he certainly should take every precaution to provide for replies by the other side. Prohibition, after all, has been voted out by the country, is not a policy of the Administration and, it seems to us, is a minor issue in times like these.

The drys, we understand, are working primarily through churches and church organizations. Very few stations are without their religious hours, usually carried sustaining. They should guard carefully against the insinuation of prohibition propaganda into such periods.

Broadcasting, non-existent during the last war but now the most potent selling force in the world, doesn't want to be the instrumentality whereby any pressure group can bring itself into power.

We Pay Our Respects To —

PAUL WELROSE WHITE

MURROW, Shirer, Davis, Trout, Eliot—those names, and many others, are familiar to listeners all over the world. They are the names of the correspondents and news analysts of CBS. But the man behind them all, the man who is responsible for the far-flung efficient corps of CBS correspondents and for the operation of the famous CBS newsroom, is Paul Welrose White, CBS director of public affairs, now back on the job after a protracted illness brought on by overwork.

When the news of the bombing of Pearl Harbor stunned the world, it was Paul White whose guiding hand kept the news going out over the CBS transmitters, calmly, coolly and accurately. And that's a job that requires a particular type of executive—a cross between a newspaper editor, on-the-spot correspondent and network program director.

Paul White was fitted by nature and by training to head a network news-gathering organization. At 19 he became telegraph editor of the old *Kansas City Journal* without knowing the first thing about the job. He became first news chief of the CBS when no one knew anything about what the task demanded. And now, some 20 years after scrawling through his first headline, he swings a copy pencil over a news-gathering organization which *Time* Magazine has called "the most adult and efficient" in radio.

Radio correspondents, unlike newspaper correspondents who give their work to the cable office to be sent "as soon as possible", have to be heard over thousands of short-wave miles at a prearranged second. Also, they have to make their minutes of airtime worth the thousands of dollars such minutes cost.

That means radio news has to be written differently. The accumulation of a staff, the working out of the broadcast arrangements with governments of the points of origin and the development of an entirely new technique of news writing, for the air and for the air alone, was a problem no newspaperman ever faced before when Paul White took over at CBS. But he faced it and pioneered in a field that was to produce a Cecil Brown, an Edward R. Murrow and a William L. Shirer.

Paul White was born in Pittsburg, Kan., June 9, 1902. By the time he reached high school, printer's ink was in his blood. He was a reporter on the *Pittsburg Headlight* and *Salina Sun* then. When his college career was well under way, he had already served as the *Kansas City Journal's* telegraph editor. He attended the U of Kansas for two years, beginning in 1919, and the Columbia School of Journalism from 1921 to 1924, receiving degrees as bachelor and master of letters.

Upon graduation, he joined the city staff of the *New York Evening Bulletin* and in August, 1924 joined the New York staff of the United Press. For more than six years he worked for UP in numerous capacities—at times serving as cable editor, acting sports editor and head of rewrite. For more than a year he was editor of United Features Syndicate and also head of the UP mail service.

During these years, White's name became one of the best-known bylines in the country. He covered the Hall-Mills trial, the anthracite coal strike, the Snyder-Gray trial and the trans-Atlantic flights of Lindbergh, Byrd, Ruth Elder, Chamberlain-Levine and others. The familiar "By Paul White" also headed UP stories on the Remus, Carroll and Rhinelander trial stories.

In December, 1930, he was named CBS news editor, and successively became publicity director, vice-president and general manager of the CBS news service, and director of public relations for the network.

He now has the title of director of public affairs for CBS—head of a world-wide group of correspondents delivering news to CBS listeners on a 24-hour, seven-day schedule.

A resident of midtown Manhattan, with an apartment on East 52nd St., only a few blocks across from the CBS building, Paul normally travels the distance from davenport to desk in about five minutes, and on occasion has clipped a minute or two off that time. He is married to the former Sue Taylor and they have a daughter, Toni Susanne, 3. He also has a 15-year-old daughter, Joan, by a former marriage.

Personal NOTES

WENDELL B. CAMPBELL, of the CBS western division sales staff, has been appointed sales manager of CBS Radio Sales with headquarters in Chicago. He replaces Henry M. Jackson, who has joined the Army Signal Corps.

DEANE STEWART, program director of KYA, San Francisco, has been named acting manager succeeding Harold Meyer who on June 15 becomes manager of WSRR, Stamford, Conn. [BROADCASTING, June 1]. Mr. Stewart is expected to hold the position until the sale of the station by Hearst Radio Inc. to its proposed purchasers is approved by the FCC.

HARRISON HOLLIWAY, general manager of KFI-KECA, Los Angeles, is the father of a girl, born June 1. Mrs. Holliway, former radio comedienne, was known professionally as Edna O'Keefe.

JOHN J. DIXON, program director of WROK, Rockford, Ill., has been named commercial and assistant business manager. Maurice P. Owens, sportscaster and chief announcer, becomes program director.

WILLIAM E. SHEA Jr. has been named manager of the NBC press department in San Francisco. He formerly was national spot sales representative of NBC in San Francisco and previous to that was with the *San Francisco Examiner*, McCann-Erickson and Hearst Radio.

JOHN M. HENDRICKSON, formerly in newspaper work, has joined KOA, Denver, as an account executive.

JOHN GILLIS of the sales staff at WOWO-WGL, Ft. Wayne, on May 16 married Mary Broome, of Chicago. Mrs. Gillis is with the General Amusement Corp., Chicago.

GEORGE C. KIERNAN, formerly of the sales service division of WOR, New York, has joined the Warner Chemical Co., New York, as assistant to the sales manager.

WILLIAM A. ROGGE, assistant buyer of radios and phonograph records at Bloomingdale's Department store, New York, has been appointed by the Army Signal Corps to the purchasing division for radio equipment used in research and development. He is stationed at the administrative office, Belmar, N. J.

HUGH FELTIS, of the BLUE station relations department, is recovering from an attack of bronchitis.

ALLEN MILLER, production director of the State College of Washington's KWSC, Pullman, will collaborate with Judith Waller, public service director of the NBC Central Division, in a course on public service programs as part of the NBC-Northwestern U Summer Radio Institute beginning June 22. Mr. Miller, who was former director of the U of Chicago and former director of the University Broadcasting Council, replaces Parker Wheatley, radio director of Northwestern, who has joined the armed forces.

GILSON GRAY, commercial editor of CBS, on June 4 resigned to join the Navy as a lieutenant commander. Jan Schimek, supervisor of copyrights for CBS, will assume Mr. Gray's responsibilities as executive head of the commercial editing department.

CARL H. SUNDBERG, recently executive secretary of the Press-Radio Committee and formerly with the Branham Co., Chicago, is now with the War Production Board as assistant district manager of the priorities division in Chicago.

RUSS JOHNSTON, CBS western program director, Hollywood, received a month's leave of absence from his duties on June 6 to fly as a member of the Atlantic submarine patrol. He holds a commercial pilot's license with an instructor's rating.

JAMES L. HOWE, manager of WBTM, Danville, joined the Army May 30 as a second lieutenant in the Air Force. R. Sanford Guyer, former sales manager, will succeed Howe.

JOHN LORD BOOTH, president and general manager of WJLB-W49D, Detroit, is the father of a baby girl.

TOM TOMB, salesman of WCAE, Pittsburgh, was elected president of the Pittsburgh Junior Chamber of Commerce.

FRANKLIN M. DOOLITTLE, general manager of WDRC, Hartford, has been appointed general chairman of a major War Bond drive in that area.

M. F. ALLISON, chief of the promotion department of WLW, Cincinnati, has been elected a director of the Cincinnati Advertising Club.

JAMES STANBERRY, merchandising manager of KGNC, Amarillo, Tex., is the father of a boy. Mrs. Stanberry is a former member of the KGNC traffic department.

GIL BERRY, BLUE spot sales Chicago manager, has returned to his desk after ten days on the West Coast.

SUE JONES has joined the sales staff of WFBC, Greenville, S. C., coming from WMRC, Greenville.

GEORGE FUERST, account executive of the KGO local sales department, has been transferred to the United War Chest Campaign, that city, with a goal of $68,000.

JOHN A. REILLY, manager of KOY, Phoenix, is chairman of the United War Chest Campaign, that city, with a goal of $68,000.

WILLIAM F. MALO, commercial manager of WDRC, Hartford, is enrolled in a special 10-week course to become an auxiliary State policeman.

Lt. Segal Transferred

LT. PAUL M. SEGAL, Washington attorney on active duty in the Navy, has received orders transferring him from the Office of the Judge Advocate General to the Office of the Director of Naval Communications at Navy Dept. headquarters in Washington. Senior member of the firm of Segal, Smith & Hennessey, Lt. Segal was called to active duty last March.

BEHIND the MIKE

MEL RUICK, Hollywood announcer on the weekly CBS *Lux Radio Theatre*, sponsored by Lever Bros. Co. (Lux soap), has received his commission as captain and on May 30 joined the Army Air Force.

LILLIAN RANDOLPH, comedienne on the weekly NBC *Al Pearce Show*, sponsored by R. J. Reynolds Tobacco Co. (Camel cigarettes), has been signed for role in the film, "Happy Go Lucky".

BILL WRIGHT, *Zeb* in the rural comedy skit on the weekly NBC *Al Pearce Show*, sponsored by R. J. Reynolds Tobacco Co. (Camel cigarettes), has been appointed radio director for the Southern California division of the Red Cross blood bank drive.

HERBERT HALEY, announcer, formerly of KMED, Medford, Ore., has been added to the staff of KGO, San Francisco.

JONATHAN HOLE of the CBS *Scattergood Baines* cast, has joined the announcing staff of WBBM, Chicago.

HERB ALLEN, KFI-KECA, Los Angeles, announcer has been given that assignment on the weekly half hour NBC program, *People are Funny*, sponsored by Brown & Williamson Tobacco Corp. (Wings King Size cigarettes).

CHARLES LOVE, bookkeeper of KPRO, Riverside, Cal. has joined the Army.

WHAT'RE YOU GETTING FROM GRAB (Ky.)?

If you're nabbing any business in Grab (Ky.), consider yourself lucky! Grab, y'see, is far too small to snatch much of a hunk of what you sell. The Louisville Trading Area, however, has 1,331,000 buy-minded people who snap up 54% of all retail purchases in the whole State! To cover this area, at low cost, you need only WAVE—the only NBC station within 100 miles! Better grab it while the grabbing's good.

LOUISVILLE'S WAVE

5000 WATTS . . . 970 K. C. . . . N. B. C. Basic Red

FREE & PETERS, INC.
National Representatives

SGT. HARMON HYDE, former announcer and producer of WPRO, CBS affiliate in Providence, now stationed at Camp Wheeler, Ga., has been placed in charge of the camp's half-hour portion of the June 3 broadcast of *Pass in Review*, weekly Army program on Mutual. Pvt. Sidney Paul, former contributor to the *Columbia Workshop* series, has written a radio report for the show on how the Army is preparing America's citizen soldiers for the present war and ultimate peace.

SIDNEY P. MORSE and E. B. Fligh, independent radio talent agents, have joined General Amusement Corp., Chicago. Mr. Morse will handle personal appearances.

LOU COWAN, manager of *The Quiz Kids*, recently became the father of his second son, Louis Goeffrey.

BERNARD M. DABNEY Jr. has been made publicity manager of WRVA, Richmond, Va., succeeding Bill Willis, now in the Navy. Scott Jarrett, WRVA announcer, joined the Army May 22. John Tansey, sports announcer, reports to the Navy June 15.

ERNEST S. LOVAN, merchandising and publicity head of KFDM, Beaumont, Tex., has resigned to handle publicity for aircraft construction courses. KFDM publicity will be handled by Len Finger, program director. B. R. Patterson of the commercial department will handle merchandising.

BILL THIEMAN'S script for *Call to Colors* on WCAE, Pittsburgh, is now being used by the local Navy Recruiting office to help in the enlistment drive.

PAUL KACZANDER and Ron Duncan have joined the announcing staff of WJLB, Detroit.

LEO McDEVITT, formerly on the staff of WLLH, Lowell, Mass., has joined the announcing staff of WFEA, Manchester, N. H.

BUCK HINMAN has joined the staff of WCBI as an announcer, replacing Frank Everett who is in the Army at Keesler Field, Biloxi, Miss.

JACK SHERLOCK has joined the announcing staff of KLZ, Denver.

BILL WISEMAN, promotion manager of WOW, Omaha, addresses the Kansas City Advertising Club June 8.

LOUISE STEFFENS, former receptionist of KWK, St. Louis, has been placed in charge of music clearance. Edward Wilson, formerly of WLS, Chicago, has joined KWK's announcing staff. Claire Harrison, continuity director of KWK, on Memorial Day was married to John Cari-Cari of the Army Air Force stationed at Scott Field.

WILLARD JOHNSON, "The Religious Reporter" of KWK, St. Louis, and Director of the National Conference of Christians and Jews, has been named an assistant to the president of the NCC&J and will assume office in New York about August 1.

BOB YOUMANS, from KPAC, Port Arthur, Tex., and Charlie Davis, formerly of WISE, Asheville, N. C., have joined the announcing staff of WFBC, Greenville, S. C.

HOYT ANDRES, recently of KWK, St. Louis, and formerly of WOAI, San Antonio, Tex., has joined the announcing staff of KMOX, St. Louis.

MOULTON KELSEY, newscaster of KWK, St. Louis, has teamed with Dr. Samuel A. Johnson, professor of History at Harris Teachers College and lecturer at St. Louis U, to present *News and the Places in the News*. Kelsey handles spot news while Dr. Johnson provides the history and geography.

JOE GENTILE, conductor of the *Early Morning Frolic* on CKLW, Windsor-Detroit, celebrated 10 years with CKLW on June 1. A program was aired that day with leaders in the world of sport, radio and the theatre on hand to congratulate him.

Meet the LADIES

HAZEL McGUIRE

HERE'S further proof that good looks are no deterrent to executive ability in the broadcasting business. Hazel McGuire, whose public stenographer business had departed with the 1929 depression, went to work as a temporary secretary at WQAM, Miami, in the early 30's. Today the bustling business of the livewire Florida outlet has Hazel as hub.

Operations Manager is her title, and her duties are many and varied. She has the unique ability to bring order out of chaos and frequently does.

BILLS MEET AT LAST

NBC Trio Get Together by A Coincidence

THREE Bills who worked together at NBC for six months without meeting one another, were brought together by an odd coincidence.

Bill Hoffmann, who worked for NBC International, cleared many of the shortwave programs on which Bill Horne sang with the NBC Symphony Orchestra. Hoffmann also wrote, produced and directed *Fashions in Jazz*, a show featuring Bill Darnell, singer.

The trio never met—until the draft converged all three at Fort Slocum, New Rochelle, N. Y., at the same time. Now they are collaborating on an Army show broadcast on WFAS, White Plains.

MAX BADIN, Jewish entertainer and a member of the radio comedy team, Berl & Schmerl, is now program director of WWRL, New York, taking the place of Maurice Rappel, who died April 12.

MAGGY SOENKSEN, formerly continuity director of WJLB, Detroit, is the station's new program director, succeeding Richard Pavey, now handling programming for W49D, WJLB's FM adjunct.

NORMAN KRAFT, formerly with WDWS, Champaign, Ill., has joined the announcing staff of WMBD, Peoria.

JOHN CARL MORGAN, has joined the announcing staff of WLAC, Nashville.

GRAHAM GLADWIN, formerly of KPMC, Bakersfield, Cal., has joined KPAS, Pasadena, as announcer.

JAMES BLOODWORTH, continuity writer of KHJ, Hollywood, resigned that post to join the Warner Bros. film writing staff.

LEWIS CHARLES, announcer who left WHN, New York, last year to join the announcing staff of WOV, New York, has returned to WHN. He is to be married this month.

SCOTT COLTON, announcer of WHN, New York, has undergone an emergency appendicitis operation. Lewis Charles is substituting.

SIDNEY GATHRID was named radio editor of the *Philadelphia Daily News* on June 1, succeeding his brother, Raymond, who joined the Army Air Force and is stationed at Miami Beach.

WALTER KING, former announcer of WINS, New York, has joined the production department of the Office of the Coordinator of Information in New York.

BILL HIGHTOWER, who has joined the NBC announcing staff, has signed a management contract with the National Concert & Artists Corp., New York.

TED TAYLOR, formerly of the NBC press department, is now assistant to Bill Stern, NBC director of sports programs. He succeeds John Dillon, who has been called for active duty in the Army.

IRA SHERMAN, for seven years a writer with Transradio Press, and Woodrow Wirsig, formerly of the news desk of WQXR, New York, have joined the CBS shortwave news department.

HAYES HUNTER, recent graduate of the U of California, has joined the news staff of KPO, San Francisco.

GEORGE BROOKS, chief announcer and newscaster of WNEW, New York, is also serving as a news commentator, with a weekly Sunday quarter-hour 1-1:15 p.m.

TONY LA FRANO, Don Lee Hollywood daytime supervising announcer, has been elevated to producer-announcer. George Martin has taken over his former duties.

JAMES BOLAND, formerly with the accounting department of WSB, Atlanta, is now in the Army at Ft. McPherson, Ga.

DAVID MacFARLAND MURPHY has joined the announcing staff of WGY, Schenectady.

ORVILLE STONE has been appointed program director of CKRN, Rouyn, Que. Sonya Barnett has joined the CKRN staff as traffic manager.

HANS JACOB, commentator, has joined WOV, New York, and will present commentaries on international developments, five times weekly, 9-9:25 p.m. Jacob will continue his daily programs on WRUL, Boston, shortwave station.

WESLEY MIERAS, formerly of KNX, Hollywood, has joined the KFI-KECA, Los Angeles, announcing staff as summer relief.

U.P. gives you "THE WORLD'S BEST COVERAGE OF THE WORLD'S BIGGEST NEWS"

DISTRICT BALLOTS PLANNED BY ARDWA

REGIONAL and national meetings for the election of district officers for the newly-formed Assn. of Radio Directors of Women's Activities as well as for the completion of organizational work are expected to be scheduled soon by the group. The association was founded at the meeting of directors of women's activities held at the recent NAB Convention in Cleveland by Dorothy Lewis, NAB coordinator of listener activity.

Mrs. Lewis had made an extensive tour of stations in 1940-41 and it was upon her finding of a need for a body to facilitate cooperation and collaboration among women directors that the Cleveland action was taken.

Membership is being developed on a NAB district basis with Mrs. Lewis appointing temporary chairmen and officers in the sections until permanent executives are installed. It was further voted at the conference that a monthly news letter in connection with the organization be developed. Circulation will be to all women directors at first and later perhaps to members only. Jane Weaver, of WTAM, and Eleanor Hanson, of WHK, Cleveland, have agreed to act as temporary editors for one year, working in cooperation with Mrs. Lewis.

KNOX MANNING, CBS Hollywood newscaster, has been signed to portray a French news commentator in "Crossroads", featuring Hedy Lamarr.

CAMARADERIE among the executives of National Concerts & Artists Corp., New York (formerly NBC Artists Service) shows in their faces as they look over a promotion brochure put out by NCAC in connection with its recent three-day Open House to celebrate the opening of its new offices at 711 Fifth Ave. Left to right are Samuel L. Ross, secretary and treasurer of NCAC; O. O. Bottorff, NCAC vice-president, and president of Civic Concert Service; Marks Levine, vice-president in charge of the concert division; Alfred H. Morton, NCAC president; Daniel S. Tuthill, vice-president in charge of the popular division, and Victor B. Brown, vice-president in charge of the Chicago office.

WLIB Names Staff

BASIC STAFF of WLIB, New York's newest station, has been appointed. Recently known as WCNW, the station now operates on 1,000 watts on 1190 kc. The staff includes: Elias I. Godofsky, general Manager; Arthur Faske, chief engineer; Louis W. Berne, commercial manager; Sylvia Ansen and Frank Ross, sales; Paul Gould, program director; Martha Roundtree, production supervisor; Norman Cazden, musical supervisor; Roger Wayne, chief librarian; Roger Sweet, assistant librarian; Murray Jordan, acting chief announcer; Scott Douglass, Charles David and Brenda Ross, studio announcers; Gilbert Atwater, news announcer; Murray Goldberg, transmitter supervisor; Elliott Grey, studio supervisor; Sam Felsinger, Phil Greenstone and Bob Saron, control engineers; Edith Zornow, traffic supervisor; Ronnie Rotteau and Shirley Kirsch, typists; William Anthony and Sam Pegg, mail room.

FLETCHER WILEY, whose women's commentary programs on CBS for Campbell Soup Co., Camden, went off the air in April, returns to the network on a sustaining basis June 8. He will be heard five times weekly, 4:15-4:30 p.m. (EWT).

More Changes at KFJZ

WITH Maj. Elliott Roosevelt now on active duty in the Army Air Force, the drain on the staff of KFJZ, Fort Worth, has required another shakeup of personnel. William G. Feilds, formerly of the sales and sports staff, has been named commercial manager, succeeding Hardy Harvey, now manager of KNOW, Austin. Mr. Feilds formerly was with KABC, San Antonio, and with the merchandising department of Texas State Network. Forrest W. Clough, publicity director, has added the duties of continuity editor. L. R. Duffy has been named program director, replacing Russ Lamb, now a private at Camp Wolters. Claudia Benge, formerly with KPDN, Pampa, has joined the continuity department. Other KFJZ employes now in the service are: John Hopkins and Wally Blanton, announcers, Army; F. M. Coker, merchandising department, Army; Buddy Crouse, control staff, Navy.

Bernard Berigan

BERNARD (Bunny) Berigan, 33-year-old orchestra leader and trumpet player, heard on numerous radio programs during the past five years, on June 2 died suddenly of an intestinal ailment at the Polyclinic Hospital, New York. The band will be continued under the Berigan name with Mrs. Berigan maintaining financial interest. Besides his widow, he is survived by two daughters, mother and a brother.

TO LEAD a nationwide campaign against accidents occurring in the production of war supplies, Ted Collins, radio producer, has been appointed as a special agent of the U. S. Dept. of Labor by Secretary Perkins. Serving without salary as a radio consultant to the National Committee for the Conservation of Manpower in War Industries, Collins will deliver safety educational messages through the seven programs he produces weekly.

In all Tennessee... WNOX

DELIVERS THE BIGGEST CBS MARKET

EAST OF MEMPHIS!

Ask BRANHAM for the facts!

WNOX has the same program and management policies as up-and-coming WCPO, Cincinnati, whose Hoopers have changed time-buying habits in the Queen City.

WNOX

990 Kc.

A SCRIPPS-HOWARD RADIO STATION — affiliated with — THE KNOXVILLE NEWS-SENTINEL

Construction at WNOX is almost completed for 10,000 WATTS DAY and NIGHT!

Agencies

MANN HOLINER, Hollywood manager of Benton & Bowles Inc., who collaborated with his wife, Alberta Nichols, in writing "Gardenia in My Buttonhole", will have the song published by Irving Berlin Inc. Tune originally was written for a spot on the weekly NBC Coffee Time, sponsored by General Foods Corp. (Maxwell House Coffee).

KING WHYTE, veteran American-Canadian radio man, has been named a radio executive of the Montreal offices of Cockfield, Brown & Co. Starting June 1 Whyte takes over the job of editing and broadcasting a nightly newscast over CFCF, Montreal, for Molson's Brewery.

IVAN FRANKEL, of Simons-Michelson Co., Detroit, has been appointed to the Michigan Committee War Bond Staff.

ROBERT L. NOURSE, New York account executive of Al Paul Lefton Co., is currently in Hollywood for conferences with Dorothy Stewart, West Coast manager, on advertising plans of Beneficial Management Corp. (personal finance).

ALICE LAKE, timebuyer of John Falkner Arndt & Co., Philadelphia, has resigned effective June 30, to be married during July.

JACK LENZ ADV. Agency, has established offices at 6731½ Hollywood Blvd., Hollywood. Firm was recently appointed to service account of Lime Cola Co., Montgomery Ala. (beverages).

ALAN SAVAGE, freelance announcer-producer, has joined the recently opened Toronto office of Ruthrauff & Ryan.

FRANK DENIS, radio director of Richardson-MacDonald Adv. Service, Toronto, on May 20 married Ruth Freeman.

Y&R Coast Changes

WITH Tom Lewis, Hollywood manager, and vice-president in charge of radio for Young & Rubicam, having joined the Army as major in the radio department of the Special Service Division, Washington, his former West Coast duties, for the time being, have been divided. Carroll O'Meara, formerly his assistant, has been placed in charge of the business end of the agency's Hollywood office. Glenhall Taylor, producer, is supervising all production of West Cost originating programs serviced by that firm.

EDWARD LASKER, former head of the radio department of Lord & Thomas, New York, who during the last year has served as special assistant to the Secertary of the Navy as a $1-a-year-man, has been assigned to the Midshipman Training School, Chicago, as a lieutenant j.g.

JOHN HYMES, timebuyer of Lord & Thomas, New York, on June 2 became the father of his second child, a boy, John D. Jr.

WILLIAM MALONEY, publicity manager for five years of the Kate Smith-Ted Collins firm, New York, on June 1 joined BBDO, New York, as director of radio publicity. Mr. Maloney, formerly of WOR, New York, and co-founder of the former Robert S. Taplinger publicity agency, now Tom Fizdale Inc., succeeds Hank Bowman, who is leaving shortly to join the Navy.

FRED BARRETT, formerly of Lee Anderson Adv. Co., Detroit, and previously manager of the Detroit office of Ruthrauff & Ryan, has joined Compton Adv., New York, in an executive capacity.

MARVIN S. KNIGHT, vice-president of Wm. Esty & Co., New York, has resigned and is retiring from the agency field to devote his time to interests in Florida.

"PASSING SALES," figures Suzy our Steno, "by the thousand are directed to your program and product by WSAI's neon-illuminated signs on Cincinnati's second-busiest corner, passed by more than 15,000 persons daily."

This is just one of the 8 reasons why WSAIdentification means more results in Cincinnati.

IT SELLS FASTER IF IT'S

WSAI DENTIFIED

CINCINNATI'S OWN STATION

NBC & BLUE NETWORKS • 5,000 WATTS DAY AND NIGHT

STEELWORKERS' SONG

Cloutier's Idea Offers Theme; To Debut on BLUE

JUST AS the Army, Navy and Marine Corps have their own battle songs, so now does America's army of steelworkers, thanks to an idea conceived by Norman Cloutier, musical director of the NBC Radio-Recording Division.

The song is called "Song of Steel", and has been recorded by NBC for release to stations all over the world. Written by Meredith Willson, conductor of the *Maxwell House Coffee Time* program on NBC, the song is sung on the recording by Thomas L. Thomas, Metropolitan Opera baritone, and played by selected members of the NBC Symphony Orchestra under the direction of Rosario Bourdon.

Its radio premiere will be given June 21 on the Sunday afternoon *Wheeling Steelmakers* program on the BLUE, featuring Thomas L. Thomas in person. Wheeling Steel Corp., Wheeling, W. Va., sponsor of the program, has also decided to adopt it as the theme song of its weekly radio series.

EWING C. KELLY Adv. Agency, Sacramento, Cal., has opened a branch office at 101 Post St., San Francisco. Elizabeth Pennell, formerly with CBS in San Francisco and KROW, Oakland, has been named manager.

ROBERT ETIENNE, timebuyer of Blackett-Sample-Hummert, Chicago, has been drafted and is temporarily stationed at Camp Grant, Ill.

GORDON STEEDMAN, copywriter of J. Walter Thompson Co., San Francisco, has been transferred to the Los Angeles office.

PAUL WATSON, Chicago vice-president of Ruthrauff & Ryan, is in Hollywood for conferences with John H. Weiser, Southern California manager.

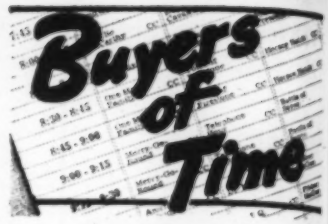
D. PETER BOWLES, radio director of Brown & Thomas, New York, has resigned to join the Army Air Force. Handling his work at the agency is Thomas F. Hughes.

New Radio Accounts

SHERMAN & MARQUETTE, Chicago, has added three radio accounts. Agency has been appointed to handle advertising of a new product, Blackstone Aspirin, and Syrup of Figs, renamed "Califig", both marketed by Sterling Products, New York. Vitafers, a new vitamin product of Quaker Oats Co., Chicago, containing five vitamins and three minerals in wafer form, will also be handled by the agency. Sectional tests will be conducted for the first two products with spot radio planned, while plans for Vitafers are indefinite for the present.

Heads L. A. Club

WILLIAM T. PICKERING, partner in the firm of Heintz-Pickering Co., Los Angeles advertising agency, has been elected president of the Los Angeles Adv. Club for the fiscal year starting July 1. He succeeds Tracy Moore, BLUE Pacific Coast sales manager, who continues as a director of the club. Gayb Bittle, head of Little & Co., Los Angeles agency, was made secretary-treasurer, with Sydney B. Gaynor, commercial manager of KHJ, Hollywood, elected to the directorate.



TED FISHER

TIMEBUYING at Ruthrauff & Ryan, New York, is somewhat of a meeting point for two departments —media and radio. To keep the wheels of both turning smoothly is the responsibility of Ted Fisher, head of the time-buying staff.

Ted, big and genial, is a veteran of nine years with R & R, coming there in 1933 in the production and auditing department where he served a two-year turn. Contracting and estimating in the media department for three years thereafter have given Ted an invaluable background for his present job.

High up on the 55th floor of the Chrysler Building, New York, Ted can be found poring over his facts and figures. And there are plenty. For through his hands pass such radio accounts as Rinso, Spry, Pall Mall, Bromo Seltzer, Dodge, Campbell Soup, Ironized Yeast, Noxema —to name a few. A lot of work, but Ted keeps them right on rolling with his capacity for accomplishing things in short order.

Ted reached his present position by what seems to be a logical succession of steps. Leaving school at 14, he obtained a job as a printer's apprentice and when the print shop closed down, Ted, having learned something about mechanical production, secured a job with the John O. Powers agency in the production department. Ted was with that agency for nine years and there learned thoroughly the workings of a small agency. Then in 1933 he moved to the production and auditing department of R & R.

Born in New York, Dec. 28, 1908, Ted, after starting to work, continued his schooling at night, finished high school and took up accounting and business administration at the College of the City of New York. Ted married (Selma Peterson of New York) and has two children, Peter, 4, and Mary, 8 months.

Increase in Funds Is Sought by FCC

Over 2 Millions to Be Used For Wartime Activities

TO BOLSTER the national defense activities of the FCC, the President last Monday sent an executive communication to the House asking that $2,149,876 be added to 1943 funds which have been set aside for the war work of the Commission, principally the activities of the Foreign Broadcast Monitoring Service and the newly-created Radio Intelligence Division.

The President's letter to the House followed a request made by Harold D. Smith, Director of the Bureau of the Budget, that the additional sum be appropriated "to meet situations which have arisen that have required the expansion of radio monitoring and surveillance requirements to assist in the successful prosecution of the war."

Expanded Service

The money, which would be added to the $2,667,619 already appropriated for FCC defense activities, would "provide for new domestic and insular activities in radio monitoring and surveillance requirements and an expansion of the Foreign Broadcast Monitoring Service," Mr. Smith said.

The appropriation request, submitted to the House Committee on Appropriations, if approved will increase funds for the 1943 operation of the Commission to $7,805,800. The original amount was $5,655,924.

It was stipulated in the budget request that travel expenses for FCC national defense activities be held to $157,340. The Senate Appropriations Commitee, in passing the FCC appropriation bill on April 24, subtracted $12,460 from the FCC's estimate for travel expenses, including this amount in its slash of $312,460 from the appropriation approved by the House [BROADCASTING, April 27].

However, Congress has shown a willingness to contribute liberally to the FCC's war activities, the slashes in FCC appropriation estimates having been made only from funds allotted to normal operations of the Commission.

Acme on Coast

ACME BREWING Co., San Francisco, in a nine-week campaign which started June 1 is sponsoring twice-weekly quarter-hour participation in *Jack Kirkwood's Breakfast Club* on 15 Mutual-Don Lee stations in California. Firm on that date also started using a six-weekly five-minute newscast on KNX, Hollywood, with twice-daily participation five days per week in Hal Berger's re-creation of major league baseball games on KMPC, Beverly Hills. Acme in addition currently uses participations five-weekly in Emily Barton's *Victory Food Reporter* on KFRC, San Francisco. Agency is Brisacher, Davis & Staff, San Francisco and Los Angeles.

CONTRACT SIGNING, wartime style, is simple if proper methods are employed. Apparently effective is this brace of persuaders aimed at William P. Baker, president of Regal Amber Brewing Co., San Francisco, who is putting up little resistance as his pen goes into action. Seated beside him is Edward Gunderson, vice-president. Gun toters are M. E. Harlan (left), president of M. E. Harlan Adv. Agency, and Walter G. Tolleson, account executive of KPO, San Francisco.

WQAM Cited in Ruling Issued by Labor Board

RECOMMENDATION was made last Monday by Trial Examiner W. P. Webb of the National Labor Relations Board that the Miami Broadcasting Co., operator of WQAM, Miami, "cease discouraging membership in the American Federation of Radio Artists (AFL) or in any other labor organization of its employes."

Board complaint was issued March 30 on charges filed by the union alleging unfair labor practices. Charges were denied April 20 by Miami Broadcasting Co. and public hearings were held in Miami April 20-30. Recommendation of the NLRB was issued on findings that the company demonstrated active "hostility" to the union through alleged anti-union statements of supervisory employes.

KEYSTONE Broadcasting System has added WFAS, White Plains, N. Y.; and WTMC, Ocala, Fla., to its transcription network, making a total of 171 affiliates.

More Power to You!

50,000 Watts

to serve Eastern Ohio, Western Pennsylvania and West Virginia, THE STEEL AND COAL BELT OF THE NATION!

4,860,716 Population

In Our 50-KW 500 Microvolt Area

BASIC BLUE NETWORK

WWVA WHEELING, W. VA

BLAIR REPRESENTS US

Woman Columnist Used Successfully By New York Firm

Bohack Co. Credits 29% Jump To Mary Margaret McBride

By WALTER B. BRUCE
Advertising Manager
H. C. Bohack Co., New York

Mary Margaret McBride, whose 15 minutes of human commentary, broadcast on WEAF, New York, Monday through Friday, is cooperatively sponsored, brought one of her sponsors to her microphone recently, George P. Buente, director of advertising of H. C. Bohack Co., New York grocers. During the broadcast Mr. Buente stated that sales of Tenderay Beef, advertised on the McBride program, were up 29% over last year, adding that "we feel your program has played an important part in this increase." BROADCASTING requested more details and received this statement.

YES, our tonnage sales are up 29% over the previous year, in spite of higher prices, but that isn't half the story of what Mary Margaret McBride has done for our company. Although the *Columnist of the Air* contracted to sell one of our products, Bohack DeLuxe Tenderay Beef, she has really accomplished much more than that. For Mary Margaret does not stop with the product; she sells the sponsor too. Her audience is convinced of the integrity of the manufacturer, the cleanliness of his plant and, in her own inimitable way, she humanizes the corporation.

Opened Five Markets

When asked at Thanksgiving to help us sell turkeys, she did so by telling her audience about the interest taken by our President, Mr. Haberle, in personally selecting the Bohack turkeys at large farms in the Midwest. The turkeys became not Bohack turkeys, but "Mr. Haberle's turkeys."

On occasions she has referred by name to various officials of the company, telling human interest stories of their families, gardens and homes. Another time she told of a dinner given to her by Bohack officials and how Mr. So-and-So told a "fish" story which she wonders if her audience believes, or she relates how another man was able to make his thumb disappear.

Mary Opens a Bohack Store

During the time that Mary Margaret has been broadcasting for Bohack, she has opened five Supermarkets for the company. During the first two openings, the regular show was broadcast direct from the store, but this was later abandoned because the crowd interfered with the program.

A Market Opens

If we ever had any doubts as to the "pulling power" of Miss McBride, these doubts were blasted when she appeared at the opening of our new Super Market at Valley Stream. There had been a very heavy downpour all day long and it was also a cold, nasty day. We expected a "flop" because it was too much to expect women to come out on such a day. Yet, almost two hours before Mary Margaret was to make her appearance, the store was jammed. By the time the program went on, the crowd had overflowed on to the sidewalk where they seemed content to stand in the pouring rain just to meet their favorite.

Because of the wholesome, sincere personality of Mary Margaret McBride, her listeners are more ardent worshipers than the most rabid Dodger fans, and realizing this, we are happy to have them on our side.

Yes, we repeat, the fact that Mary Margaret has sold our product is only half the story, for she has also "sold" the Bohack Co. its stores, its management—from president to store clerk—to her loyal listening audience.

In Southern California . . .

A big, concentrated selling job at surprisingly low rates

Soon 10,000 Watts
KMPC
LOS ANGELES ★ 710 KC

Affiliated in management with WJR, Detroit, WGAR, Cleveland.
NATIONAL REPRESENTATIVE: PAUL H. RAYMER CO.

Merchandising & Promotion

A Story About Spot—Servicemen Invited—Slowing Them Up—News Booth

A NEW informative booklet, titled *Spot Broadcasting*, has just been published by John Blair & Co., station representatives. Designed to promote a clearer understanding of spot radio and a fuller appreciation of its present advantages as an advertising medium, this attractive booklet not only describes spot broadcasting but also gives many illustrations of its successful use by familiar advertisers, such as Studebaker, Longines, Washington State Apple Commission, Kroger, Atlantic Refining, California Fruit Growers Exchange, Griffin Shoe Polish, Sheaffer Pen, Rit Dyes, Spry, Swan Soap.

It contains suggestions on how best to buy spot time, how to reach profitable audiences, how to keep advertising abreast of today's fast-changing conditions.

Because of this and the many other valuable pointers it contains, *Spot Broadcasting* is a valuable reference book for business executives, particularly those concerned with selling, advertising and merchandising. Copies may be obtained upon request to John Blair & Co., 520 N. Michigan Ave., Chicago.

* * *

Military Guests

THROUGH cooperation of the USO, more than 75 enlisted men from all branches of the armed service are guests of General Brewing Co., Los Angeles, at a special Wednesday night dance staged in the studios of KFAC, that city, during the recorded *Dance Time* sponsored by that firm. Although the six-weekly two-hour broadcast starts at 10 p.m., the Wednesday night studio festivities for service men get under way two hours earlier. Besides beer from the sponsor, men are served coffee, cake, sandwiches and other contributed refreshments during the evening.

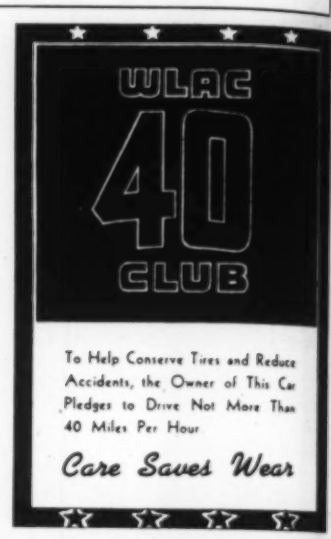
* * *

Summer Sub

SUGGESTED publicity stories, courtesy announcements, newspaper ads, dealer promotion and explanation of the program's War Bond contest are given in a 26-page brochure on Tommy Dorsey's orchestra, summer replacement for *Red Skelton*, sponsored by Brown & Williamson Tobacco Corp., Louisville. The brochure, which is bound in music manuscript paper, was prepared by R. E. Jeffers, publicity director of Russel M. Seeds Co., Chicago B & W agency, and was sent to 118 NBC stations.

There's "sock" in 5KW on our 580 kc frequency —equal to over a million watts at the other end of the dial.

WIBW The Voice of Kansas in TOPEKA


WLAC
40
CLUB
To Help Conserve Tires and Reduce Accidents, the Owner of This Car Pledges to Drive Not More Than 40 Miles Per Hour
Care Saves Wear

KEEP BELOW 40 suggests these windshield stickers distributed by WLAC, Nashville. Its 40-Mile Club was commended by Mayor Thomas L. Cummings (left), of Nashville, who received the first sticker in the campaign to reduce speed and save tires and gas. It was presented by Manager F. C. Lowell of WLAC. Some 200 prominent businessmen are charter members of the club. Esso dealers are aiding distribution of the stickers and are promoting the campaign with daily announcements.

* * *

Ticket Offices

TICKET OFFICES have been set up in 50 groceries and drug stores throughout Chicago by WBBM, Chicago, to take reservations for admission to studio broadcasts. Each store displays a window sticker provided by the station.

* * *

Open House

THIRD BIRTHDAY of the *Saturday Morning Open House* of WCCO, Minneapolis, was celebrated by the presentation of gifts to 17 participants whose birthdays coincided with the program's date. Hayle Cavanor, m.c., reported a record attendance of over 500 in the studio auditorium.

* * *

Lobby Newscast

DAILY newscasts, not for broadcast purposes but rather to be heard only in the lobby of the Denver Newsreel Theater, are being made by KOA, Denver, from a specially constructed booth in the lobby.

Radio Education Books Are Offered to Industry

THROUGH its director, Dr. Irvin Stewart, former FCC commissioner, the Committee on Scientific Aids to Learning has given the Federal Radio Education Committee its remaining stock of publications for free distribution.

Mr. Stewart

The Committee, established in 1937 by the Carnegie Corp. as an adjunct of the National Research Council, has worked in such fields as broadcasting, sound recording, motion pictures, photography and aids to analysis to encourage the use of scientific instruments in education. *Broadcast Receivers & Phonographs for Classroom Use* is one of the Committee's publications. Copies of the various Committee publications are now available without charge through the FREC, Washington.

STUDENTS in vocational and trade schools offering aviation, diesel, radio, machinist and electrician training may enlist in the Navy with the prospect of becoming petty officers. They may be deferred from active duty for periods not exceeding three months after enlistment.

THEY MUST BE AT MIDNIGHT

Startled Salesman Discovers That Late Spot Is Just What the Customer Wants

By RUDY FRANK
State Theatre, Hartford

SELLING TIME on the air is often a job of persuasion and perseverance. Even the best time salesman doesn't very often sell a prospective customer on the spot. Spot announcement buyers in particular like to shop around for the best possible times to put their sales messages across. Rarely if ever at all does a buyer stride into a radio station and demand to buy the last available spot on the station's schedule. That's exactly what I did some six weeks ago at WTIC.

Irwin Cowper, of the WTIC sales staff, was indulging in that particular brand of reverie that comes only to time salesmen along about the middle of April. Some call it spring fever, but to a time salesman it's known as "dreams to come" or "how can I keep my billings up through the summer".

Suddenly, Cowper became aware of an intruder on his dream. It was I—Rudy Frank, promotion manager of the State Theatre in Hartford. I told him I wanted to buy some spot announcements!

The availability book was brought out and an array of spots after choice Red Network shows was dangled as bait. I really woke Cowper up when I told him I wanted to purchase three nightly 25-word announcements at 12:54 a.m., just ahead of the station's last regularly scheduled newscast.

It being an especially warm day for April, Cowper suggested that I sit down, rest awhile and then decide. But it was to no avail.

In Midnight Shows

I told him the State Theatre was inaugurating a policy of midnight stage shows on Friday nights for the convenience of defense workers in the Greater Hartford area plants, such as United Aircraft, Hamilton Propellor and Colt's Patent Fire Arms. These workers, I told him, could not see shows at regularly scheduled times, and I figured that they might like to see "the world's greatest stage show" at a time when they were free to do so. Since they got out of work at 12:30 a.m., I figured that they would be in transit to their homes and would certainly hear the last edition of the WTIC news over the radio in their cars.

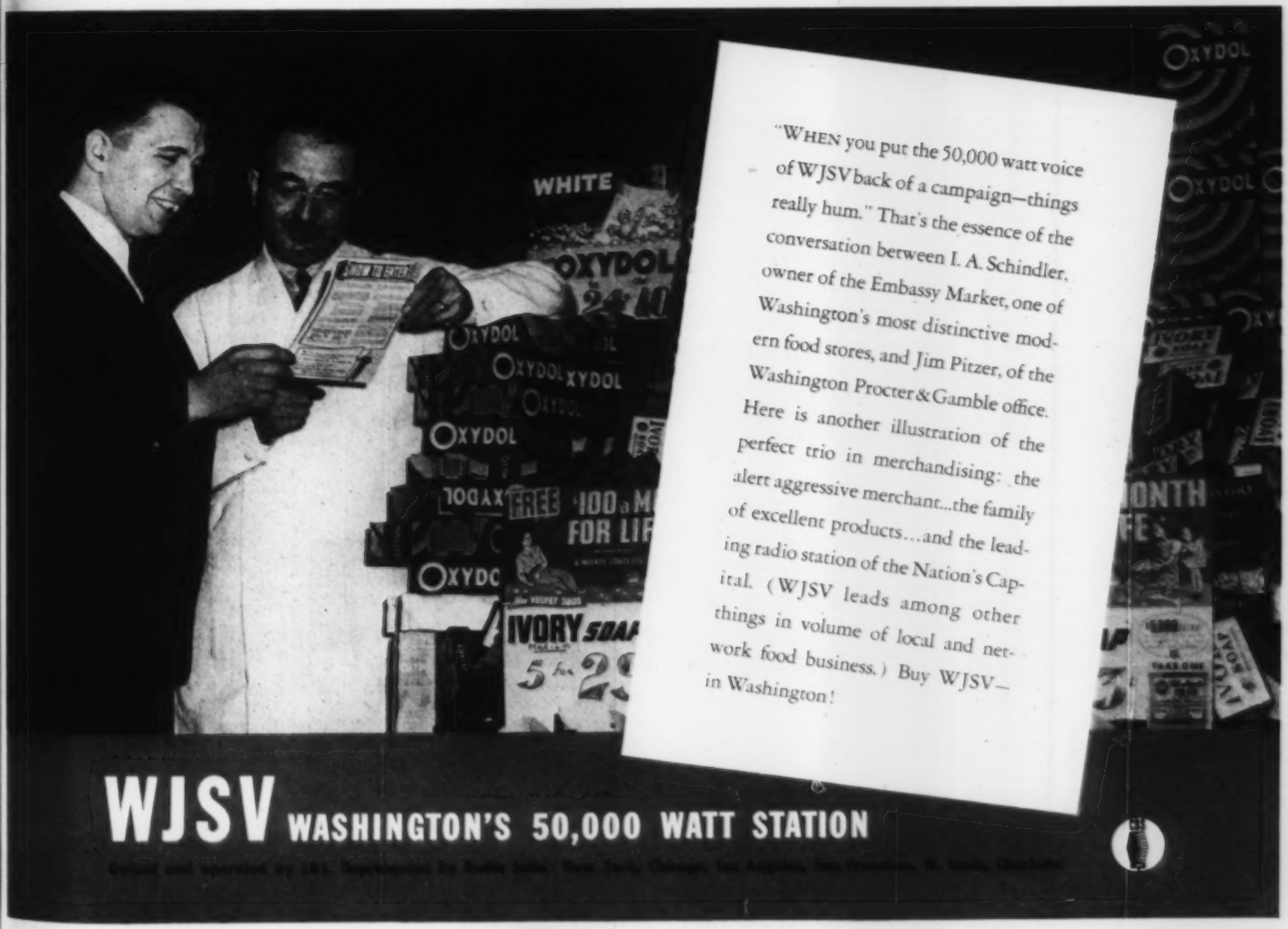
Well, Cowper sold me the time, and I honestly believe waited for what he then thought the inevitable cancelation. But there wasn't any; instead he received a report that the State, with a seating capacity of 4,500, was playing to capacity houses for a show that begins at 1:15 a.m. and dismisses at 3 a.m. WTIC had done the job.

The moral of this story is: "The salesman doesn't always know what is the best time but the buyer sometimes does."

Wins College Award

WINNER of the scholarship contest sponsored by William Jewell College, Liberty, Mo., and announced by Ted Malone, on his *Between the Bookends* program on BLUE, is John Alton Barsness, of Roy, Mont. Barsness received a year's scholarship with expenses paid, at William Jewell, Malone's alma mater, for writing the best essay on "American Youth and the American Way." Contest was open to high school graduates of 1940, '41, '42.

FIVE HOTELS in Upstate New York, are each using an average of 13 spot announcements weekly on WWRL, New York, to attract summer vacationists. Placed direct.


"WHEN you put the 50,000 watt voice of WJSV back of a campaign—things really hum." That's the essence of the conversation between I. A. Schindler, owner of the Embassy Market, one of Washington's most distinctive modern food stores, and Jim Pitzer, of the Washington Procter & Gamble office. Here is another illustration of the perfect trio in merchandising: the alert aggressive merchant...the family of excellent products...and the leading radio station of the Nation's Capital. (WJSV leads among other things in volume of local and network food business.) Buy WJSV—in Washington!
WHITE
OXYDOL
IVORY SOAP
WJSV WASHINGTON'S 50,000 WATT STATION

THE Business OF BROADCASTING

STATION ACCOUNTS

sp—studio programs
ne—news programs
t—transcriptions
sa—spot announcements
ta—transcription announcements

WHO, Des Moines

Hecker Products Co. New York (Shinola), 5 *ta* weekly, 195 times, thru Benton & Bowles, N. Y.
Omar Inc., Omaha (flour), 1 *ta* weekly, 13 times thru Hays MacFarland & Co., Chicago.
Carey Salt Co. Hutchinson, Kan., 1 *sp* weekly, 13 weeks, thru McJunkin Adv. Co., Chicago.
Walker Remedy Co., Waterloo, Ia., 5 *sa* weekly, thru Weston-Barnett, Waterloo.
Peter Fox Brewing Co., Chicago (Fox De-Luxe), 3 *sa* weekly, thru Schwimmer & Scott, Chicago.
Skinner Mfg. Co., Omaha (Raisin Bran), 6 *sa* weekly, 313 times, thru Ferry-Hanly Co., Kansas City.
Block Drug Co., Jersey City (Gold Medal capsules), 1 *sp* weekly, thru J. Walter Thompson Co., N. Y.

WHN, New York

American Cigarette & Cigar Co., New York (Pall Mall cigarettes), 84 *ta* weekly, 8 weeks, thru Ruthrauff & Ryan, N. Y.
Warner Bros. New York ("Yankee Doodle Dandy"), 14 *ta* weekly, 13 weeks, thru Blaine-Thompson Co., N. Y.
Procter & Gamble, Cincinnati (Lava Soap), 18 *ta* weekly, 26 weeks, thru Biow Co., N. Y.
Pan American Coffee Bureau, New York (iced coffee), 24 *ta* weekly, 8 weeks thru Buchanan & Co., N. Y.

KMJ, Fresno

Larus Bros., Richmond (Dominos), 2 *sa* weekly, thru Warwick & Legler, N. Y.
Axton-Fisher Tobacco Co., Louisville (Twenty Grand) *sp* and 6 *sa* weekly, thru McCann-Erickson, Chicago.
McIlhenny Co., Avery Island, La. (sauce) 4 *sa* weekly, thru Aubrey, Moore and Wallace, Chicago.
Wellman Peck & Co., San Francisco (food products) 2 *sa* weekly, thru Botsford, Constantine & Gardner, San Francisco.
Lever Bros. Co., Boston (Spry) 5 *t* weekly, thru Ruthrauff & Ryan, N. Y.

WENR, Chicago

Colorado State Adv. & Publicity Committee, Denver (tourist resorts), 2 *sa* weekly, 8 weeks, thru Max Goldenberg Adv. Agency, Denver.
Procter & Gamble Co., Cincinnati (Lava soap), 2 *ta* weekly, 52 weeks, Biow Co., N. Y.
Atlas Brewing Co., Chicago, 1 *sa* weekly, 52 weeks, thru Arthur Meyerhoff & Co., Chicago.

WHAM, Rochester

McKesson & Robbins Co., Bridgeport, 1 *sp* weekly, 13 weeks, thru J. D. Tarcher, N. Y.
California Fruit Growers Assn., Los Angeles (Sunkist Oranges), *sa* weekly, 26 weeks, thru Lord & Thomas, Los Angeles.
RCA Record Corp., Camden (records), *sa* weekly, 52 weeks, direct.

WMAQ, Chicago

Spaulding-Gorham, Chicago (silverware, jewelry), 7 *sa* weekly, 52 weeks, thru Ivan Hill Adv. Agency, Chicago.
Ironized Yeast Co., Atlanta, 5 *sa* weekly, 13 weeks, thru Ruthrauff & Ryan, N. Y.

KFI, Los Angeles

Lever Bros. Co., Cambridge (Vimm), 4 *sa* weekly, thru BBDO, N. Y.
American Chicle Co., Long Island City, 12 *sa* weekly, thru Badger, Browning & Hersey, N. Y.

KHJ, Los Angeles

Safeway Stores, Oakland, Cal. (Nu-Made Mayonnaise), 6 *sa* weekly, thru Lord & Thomas, San Francisco.
Cluett, Peabody & Co., N. Y., (Sanforized label products) 5 *sp* weekly thru Young & Rubicam, N. Y.

WKZO, Kalamazoo

Muller Grocers Baking Co., Grand Rapids, 3 *sa* weekly, 52 weeks, thru Bolt Adv. Service, Grand Rapids.
Continental Oil Co., Ponca City (Conoco), 5 *ta* weekly 13 weeks, thru Tracy-Locke-Dawson, N. Y.
Michigan Casualty Co., Detroit, 6 *ne* weekly, 13 weeks, thru First United Broadcasters, Chicago.
Pfeiffer Brewing Co., Detroit, 3 *ne* weekly, 13 weeks, thru Maxon Inc., Detroit.
Terre Haute Brewing Co., Terre Haute (Champagne Velvet), 5 *t* weekly, 26 weeks, thru Pollyea Adv. Agency, Terre Haute.

KFI, Los Angeles

Axton-Fisher Tobacco Co., Louisville (20 Grand Imperial cigarettes), 5 *sa* weekly, thru McCann-Erickson, N. Y.
Kellogg Co., Battle Creek, Mich. (Pep), 11 *ta* weekly, thru Kenyon & Eckhardt, N. Y.
Rosefield Packing Co., Alameda, Cal., (Skippy peanut butter), weekly *t*, thru Sidney Garfinkel Adv. Agency, San Francisco.
Wm. Henry Co., Los Angeles (Van Camp's Tenderoni), 5 *sp* weekly, thru Calkins & Holden, N. Y.

KHJ, Los Angeles

American Cigarette & Cigar Co., New York (Pall Mall cigarettes), 192 *ta*, thru Ruthrauff & Ryan, N. Y.
McKesson & Robbins, Bridgeport, Conn. (Soretone), 5 *ta* weekly, thru J. D. Tarcher & Co., N. Y.
McIlhenny Co., Avery Island, La., (tobasco sauce), 4 *ta* weekly, thru Aubrey, Moore & Wallace, Chicago.

CFCH, North Bay; CKGB, Timmins; CJKL Kirkland Lake, Ont.

Dept. of Munitions & Supply, Ottawa, 2 *sa*, thru the Department of Public Printing & Stationery, Ottawa.
Bata Shoe Co., Frankford, Ont., 4 *sa*, thru J. J. Gibbons, Toronto.
Canadian Red Cross Society, Toronto, 22 *ta*, thru A. McKim, Toronto.
Wartime Prices & Trade Board, Ottawa, 12 *ta*, thru MacLaren Adv. Co., Toronto.
Dept. of National War Services, Ottawa, (rubber salvage) 29 *ta*, thru R. C. Smith & Son, Toronto.

WEAF, New York

Benson & Hedges, New York (Virginia Rounds), 3 *sp* weekly, thru Duane Jones, N. Y.
Manhattan Soap Co., New York (Sweetheart soap), 3 *sp* weekly, thru Franklin Bruck Adv., N. Y.

W53PH, Philadelphia

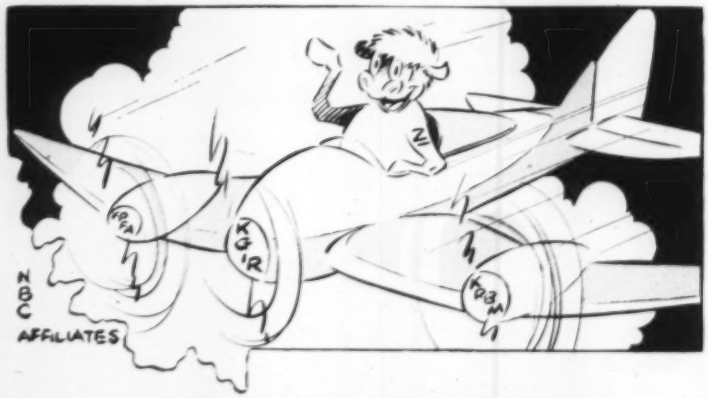
Belgium Information Bureau, New York, 1 *sp* weekly, thru Gotham Adv. Co., N. Y.
Philadelphia Record, Philadelphia (newspaper), 1 *sp* weekly, direct.
R. L. Swain Tobacco Co., Danville, Va. (Pinehurst cigarettes), 1 *sp* weekly, for 13 weeks, thru Gotham Adv., Co., N. Y.

KPO, San Francisco

General Foods Inc., N. Y. (Post Toasties) 5 *t* weekly, thru Benton & Bowles Inc., N. Y.
Axton Fisher Tobacco Co., New York (20 Grand) weekly *sp*, thru McCann-Erickson, N. Y.
W. & J. Sloane & Co., San Francisco (furniture) weekly *sp*, direct.
Quaker Oats Co., Chicago (Sparkies) 6 *t* weekly, thru Ruthrauff & Ryan, Chicago.
Lehn & Fink Products Corp., New York (Hind's Honey & Almond Cream) 6 *ta* weekly, thru Wm. Esty & Co., N. Y.
Seven-Up Bottling Co., San Francisco, weekly *sa*, thru Rhoades & Davis, San Francisco.
Safeway Stores, Oakland (Numade Mayonnaise) 6 *sa* weekly, thru Lord & Thomas, San Francisco.
Lever Bros., Cambridge (Swan Soap) 6 *ta* weekly, thru Young & Rubicam Inc., N. Y.
Larus Bros. Richmond (Domino cigarettes) 4 *ta* weekly, thru Warwick & Legler Inc., N. Y.
American Cigarette & Cigar Co., New York (Pall Malls) 7 *ta* weekly, thru Ruthrauff & Ryan, N. Y.
Planters Nut & Chocolate Co., Wilkes-Barre (peanut oil) 5 *t* weekly, thru Raymond R. Morgan Co., Hollywood.
Peter Paul Inc., Naugatauk, Conn. (candy and gum) 3 *sa* weekly, thru Brisacher, Davis & Staff, San Francisco.
Procter & Gamble Co., Cincinnati, Ohio (Lava soap) 5 *ta* weekly, thru The Biow Co., N. Y.
National Aeronautics Council Inc., New York (Aircraft Spotters Guide) 6 *sa* weekly, thru Huber Hoge & Sons, N. Y.

WFIL, Philadelphia

American Chicle Co., New York (Chiclets), 60 *sa* weekly, for 19 weeks, thru Badger & Browning, Boston.
Block Drug Co., Jersey City (capsules), 3 *sp* weekly, for 52 weeks, thru Raymond Spector, N. Y.
Lit Brothers, Philadelphia (department stores), 3 *sp* weekly, for 13 weeks, direct.
Washington State Apple Commission, Wenatchee, Wash. (apples), 7 *sa* weekly, for 5 weeks, thru J. Walter Thompson Co., San Francisco.
Wilson Line, Inc., Philadelphia (boat cruises), 12 *sa* weekly, 13 weeks, thru John Falkner Arndt, Philadelphia.
Nevins Drug Co., Philadelphia, 6 *ta* weekly, thru Philip Klein, Philadelphia.
F. W. Schumacher & Co., New York (Waverly fabrics), 5 *sa* weekly, thru Anderson Davis & Platte, N. Y.
American Cigarette & Cigar Co., Inc., New York (Pall Mall), 27 *ta* weekly, for 7 weeks, thru Ruthrauff & Ryan, N. Y.
Lever Bros., Cambridge, Mass. (Lifebuoy soap), 9 *ta* weekly, for 6 weeks, thru Ruthrauff & Ryan, N. Y.
Procter & Gamble Co., Cincinnati (Ivory Snow), 3 *sa* weekly, for 17 weeks, thru Benton & Bowles, N. Y.



You'll go further with TRIPLE POWER Adv.

Long-Time Trends In Audience Shown

Up in Winter, Summer Down Says Survey by Hooper

YEAR IN, year out, radio listening follows a regular cycle—up to a peak in mid-winter and down to a low in mid-summer—according to a chart distributed to all subscribers to the Hooper Radio Reports.

Tracing listening history from January 1936 to May 1942 in two trend lines, the "continuing radio use index" and the "continuing network program audience index," the chart depicts "the basic behavior of people in their absolute use of radio and in their patronage of sponsorship network programs."

Data are based on responses to the same questions (Were you listening to your radio just now? To what program were you listening? Over what station is that program coming? What advertiser puts on that program?) asked by Hooper interviews during the evening hours in the large cities in the basic network area.

Questions Unchanged

Questions and use of telephone homes in basic network areas as samples have remained unchanged for the 6½-year period, the only change in that time being that through June 1939 calls were made between 7 and 10:30 p.m., New York Time, whereas since July 1939 hours surveyed have been 6 to 10:30 p.m. (NYT). So, for all practical purposes, the chart presents a consistent, comparable of listening habits from month-to-month and year-to-year throughout the entire period, according to Hooper statisticians.

In addition to the consistency of the annual listening curves for both sets in use and audience of sponsored network programs, the chart also shows a consistent radical drop in listening between April and May, coincident with the introduction of Daylight Saving Time.

In 1942, however, when the clocks were moved up an hour to War Time in February with no subsequent DST, the sharp drop occurred from March to April, with practically no change in sets in use between April and May. Probable explanation is that the extra hour of daylight in the evening does not have much effect on listening until the weather is warm enough to encourage outdoor activities.

Other variations from the normal curve are explained chiefly through the increase in listening that accompanies periods of crisis when people keep their radios in operation more than is normal in order to keep abreast with each news development. The Munich Pact in the fall of 1938, the Nazi invasion of Norway in the spring of 1940 and the entry of America into the war last December are all vividly reflected in unseasonal increases in listening.

Radio Advertisers

MAY Co., Los Angeles department store, for the third consecutive year, on May 12 renewed for 52 weeks, the five weekly quarter hour recorded musical program, *May Time*, on KFWB, Hollywood. It was erroneously reported [BROADCASTING, May 25], that the program is sponsored on KFAC, Los Angeles. Agency is Milton Weinberg Adv. Co., Los Angeles.

FOOT HEALTH INSTITUTE, New York, has added WWRL, New York, to the list of stations carrying announcements offering orthopedic information. The Institute's spots, presented in Italian and English, are also heard on WBNX, New York; WHOM, Jersey City; WIP, Philadelphia. Herbert Albert, New York, placed.

PHILADELPHIA Dairy Products Co., Philadelphia (Dolly Madison Ice Cream), moved its daily programs conducted by Rhona Lloyd on June 1, marking the start of a fourth year of sponsorship. Originally started on KYW, the show was moved to WFIL, Philadelphia. The same format of reporting on women's activities and interviewing guests continues. Agency is Scheck Adv., Newark, N. J.

FRENCH WINE Co., Buffalo, for the third successive year has renewed its contract for news flashes on WEBR, Buffalo, and WOLF, Syracuse. Agency is Ellis Adv. Co., Buffalo.

UNION OIL Co. of Canada, Vancouver, B. C., has started Sunday evening half-hour transcribed drama *In His Steps* on 10 Western Canadian stations. Account was placed by Stewart-McIntosh, Vancouver.

JEKYLL'S DRESS Co., Los Angeles (retail), through Allied Adv. Agencies, that city, in a 13-week campaign which started May 25 is sponsoring five-weekly quarter-hour participations in Al Jarvis' *Make Believe Ballroom* on KFWB, Hollywood. Princess Pat Ltd., Chicago (cosmetics), also sponsors a similar number of participations per week in that program. Placement is through Frank R. Steel & Assoc., Chicago. Lime Cola Co., Montgomery Ala. (beverages), in mid-May started for 26 weeks utilizing twice-weekly quarter-hour participations in *Make Believe Ballroom*. Jack Lenz Adv. Agency Hollywood has the account.

ORANGE CRUSH Ltd., Toronto (soft drinks), has started a five-minute transcribed show *A Smile a Day* five days weekly on CHML, Hamilton, Ont.; CFPL, London, Ont.; CKCO, Ottawa; CFRB, Toronto; CKY, Winnipeg; CJOR, Vancouver. Account was placed by Cockfield Brown & Co., Toronto.

NUTRILITE PRODUCTS Inc., Los Angeles (vitamins), placing direct, is sponsoring a six-weekly quarter-hour philosophical program on KFWB, Hollywood. Contract is for 52 weeks, having started in mid-May. Dr. Clem Davies is featured as commentator.

SEARS ROEBUCK & Co., Los Angeles, for the annual Birthday Sale of its eight Los Angeles county stores, in a three-day campaign which ended June 5, used a total of 115 spot announcements on 13 Southern California stations. List included KNX KHJ KFWB KMPC KRKD KIEV KFVD KFOX KPAS KMTR KFAC KECA KGFJ. Agency is Mayers Co., Los Angeles.

ADAM HAT STORES, New York, has signed for a fifth year of advertising on WHN, New York, in renewing sponsorship of *Hour of Champions*, half-hour weekly sports show. Glicksman Adv., N. Y., handles the account.

GREENSPAN BROS., Perth Amboy, N. J. (Flagstaff canned foods) has taken participations five times weekly on the *Bessie Beatty* program on WOR, New York, placed through Weiss & Geller, New York.

CLUETT, PEABODY & Co., New York (Sanforized label products), on June 1 started sponsoring a five weekly quarter hour shopping service program, *Nancy Dixon*, on KHJ, Hollywood. Contract is for 52 weeks. Agency is Young & Rubicam Inc., N. Y.

SIGNAL OIL Co., Los Angeles, on May 27 started sharing sponsorship on KROW, Oakland, with General Mills of all Pacific Coast Baseball League games played in that city. Firm also shares sponsorship on KFAC, Los Angeles, with General Mills of all games in that city and Hollywood. Barton A. Stebbins Adv., Los Angeles, services the oil company account.

BLATZ BREWING Co., Los Angeles, new to radio, on June started sponsoring a 30-minute broadcast of Thursday night amateur fights from Jim Jeffries Barn on KFWB, Hollywood. Inter-defense plant contestants are featured, with Neil Reagan announcing the blow-by-blow descriptions. Lou Sterling & Assoc., North Hollywood, has the account.

Helen Hiett on BLUE

THIRD NEWS commentary to be offered by BLUE to station affiliates for local sponsorship is Helen Hiett's *Today's News*, heard five-times weekly, 10:15-10:30 a.m. The newscasts were made available for participations, as of June 1. Other BLUE news programs offered for local sponsorship are *Baukhage Talking*, featuring H. R. Baukhage, and *News Here & Abroad*, with William Hillman and Ernest K. Lindley, both from Washington.

SPOT BROADCASTING
permits
SPOT BUDGETING
to fit each
market's volume

JOHN BLAIR & COMPANY
NATIONAL STATION REPRESENTATIVES

"I thought you said ONE tank, honorable stooge!"

ONE tank?

That was all that WGY, co-operating with Schenectady high schools and service clubs, aimed for in a recent campaign to sell enough War Bonds to buy "A Tank for MacArthur."

But the drive netted enough to buy *five* tanks and an escort of jeeps. Commented the New York Herald-Tribune: "Schenectady Shows the Way."

The series of programs with which WGY helped boost that campaign is one of the reasons why 'GY was awarded the William B. Lewis certificate recently for "effective education of its radio audience concerning the war effort."

There were other reasons. Nine educational programs already established before Pearl Harbor were "drafted" to war service. Five new war-education programs were created and put on the air. Erskine Caldwell, Louis Fischer, Granville Hicks, Lord Marley, Princess Paul Sapieha, Norman Thomas appeared as guest-authorities on WGY-originated educational programs. A third wire service was added to the station's news facilities. All-night broadcasting was inaugurated. WGY's Announcers' School, first in radio, concentrated on instruction in news policy and presentation.

These are the foundations upon which WGY is building a record of service in this war—a service not merely of lending the Government hours on the air, but of giving "brains, heart, energy."

WGY-7435

WGY
The General Electric Station
Represented Nationally by NBC Spot Sales Offices

Majority Opinion in CBS Network-Monopoly Appeal

FULL TEXT of the decision of the Supreme Court of the United States (No. 1026, Oct. term, 1941) in the case of Columbia Broadcasting System Inc., appellant, vs. The United States of America, Federal Communications Commission and Mutual Broadcasting System Inc., on appeal from the District Court of the United States for the Southern District of New York, delivered June 1, 1942, follows:

Mr. Chief Justice STONE delivered the opinion of the Court.

The FCC, by its order of May 2, 1941, as amended by its order of Oct. 11, 1941, promulgated regulations which purport to require the Commission to refuse to grant a license to any broadcasting station which enters into certain defined types of contract with any broadcasting network organization. These regulations, it is alleged, affect adversely appellant's contractual relations with broadcasting stations and impair its ability to carry on its business in maintaining and operating its nationwide broadcasting network.

The regulations as amended on Oct. 11, 1941, together with a supplemental "minute" promulgated by the Commission on Oct. 31, 1941, are set forth at the end of this opinion. The question for our decision is whether appellant is entitled to secure a judicial review of the order by a suit brought under § 402(a) of the Communications Act of 1934, 48 Stat. 1093, 47 U. S. C. § 402(a), and the Urgent Deficiencies Act, 38 Stat. 219, 28 U. S. C. § 47.

Claims Commission Exceeded Authority

Pursuant to § 402(a) appellant brought the present suit against the United States in the Southern District of New York, to enjoin enforcement of the Commission's order as contrary to the public interest and beyond the Commission's statutory authority, and on the further ground, if the order be deemed within that authority, that the statute is an unconstitutional delegation of legislative power by Congress in violation of Article I, § 1 of the Constitution, and operates to deprive appellant of property without due process of law in violation of the Fifth Amendment. The case was heard by a court of three judges, which permitted the Commission and the Mutual Broadcasting Co. to intervene as defendants. It granted appellees' motion to dismiss the complaint for want of jurisdiction, — F. Supp —, and stayed the operation of the Commission's order pending direct appeal to this Court.

In 1938 the Communications Commission authorized an investigation "to determine what special regulations applicable to radio stations engaged in chain or other broadcasting are required in the public interest, convenience, or necessity". Extensive hearings were held by a committee consisting of three members of the Commission, at whose request the national networks, including appellant, intervened.

In June, 1940, the committee made a report, on the basis of which briefs were filed and oral argument was presented before the full Commission by the three national networks and other interested parties. In May, 1941, the Commission issued its "Report on Chain Broadcasting" and ordered the adoption of the regulations which, in their amended form, are the subject of the present controversy.

Long-Term Contracts, Business Commitments

The relevant facts stated in the bill of complaint are as follows: Appellant or its predecessor has been engaged in the business of nationwide network or chain broadcasting since 1927. It has a large amount of physical property used in the business and has built up a valuable goodwill. For its broadcasts it maintains a staff of employes and expends large amounts for musicians and broadcasting performers.

It has commitments by long-term contracts aggregating more than $4,000,000 for broadcasting expenditures, including those for the use of land and buildings and for the furnishing of news and broadcasting programs in the next few years. Appellant's total property devoted to its broadcasting business exceeds $18,000,000 in value; its earnings from the network exceeded $3,000,000 in both 1939 and 1940.

Chain broadcasting is the means by which radio programs are made available to all or a large part of the nationwide radio audience. It is defined by the Communications Act, 47 U. S. C. § 153(p), as the "simultaneous broadcasting of an identical program by two or more connected stations". The chain broadcaster prepares radio programs, for which it engages performers in advance, and simultaneously broadcasts them over a large number of radio stations to which the programs are transmitted from some central point of origination by wire telephone lines leased by the broadcaster, here the appellant.

The programs, which are prepared well in advance of the broadcast and given by persons employed for the purpose by appellant, are of two classes — commercial programs sponsored and paid for by advertisers, and sustaining programs furnished by appellant and not paid for by any advertiser.

Appellant's network comprises 123 stations in 122 cities in the United States. It is so operated as to enable 90% of the radio audience of the United States to listen simultaneously to programs provided by appellant and broadcasted over these stations. Appellant owns and operates seven of the stations and leases an eighth, all licensed by the Commission.

With the remaining 115 stations it enters into individual contracts usually for periods of five years, terminable in some instances by appellant on 12 months' notice. By these contracts appellant undertakes to furnish each station with an average of at least 60 hours per week of network sustaining and sponsored programs. The sustaining programs are furnished without charge, the station being free to use them or not as it chooses. Appellant undertakes to furnish the station with all commercial programs which the sponsor requests the station to broadcast and to pay the station a specified hourly rate for the use of its facilities in broadcasting such programs.

Contract Stipulation Vital to Network

Appellant agrees not to furnish its programs to other stations in the same city; the affiliated station, with exceptions not now material, agrees not to broadcast the program of any other network. Of critical importance in the present litigation is the stipulation of the affiliated station that it will, upon not less than 28 days' notice from appellant, broadcast the sponsored or commercial program furnished to it by appellant for at least 50 "converted" hours (averaging 79 regular clock hours) per week.

These provisions of appellant's contracts are alleged to be indispensable to the maintenance and efficient operation of its network and to the existence of a strong and efficient network broadcasting system, and necessary to enable appellant to compete with other advertising media. On May 2, 1941, the Commission issued its order which, as amended by its order of Oct. 11, 1941, promulgated the "Chain Broadcasting Regulations" of which appellant complains, and which the Commission characterized in its Report as "the expression of the general policy we will follow in exercising our licensing power".[1]

The regulations provide that no license shall be granted to a broadcast station having contracts with a network organization, containing any of several provisions which are characteristic of appellant's contracts with its affiliates. These include provisions by which the station is prevented from broadcasting the programs of any other network organization (3.101); or which prevent another station serving substantially the same area from broadcasting the network programs not taken by the station applying for license, or prevent another station serving a substantially different area from broadcasting any program of the network organization (3.102); or by which the station contracts for affiliation with the network for a period longer than two years (3.103); or by which the station "options for network programs

[1] The Commission in its Report says, p. 85:

"We believe that the announcement of the principles we intend to apply in exercising our licensing power will expedite business and further the ends of justice.

"Announcements of policy may take the form of regulations or of general public statements. In either case, the applicant's right to a hearing on the question whether he does in fact propose to operate in the public interest is fully preserved. The regulations we are adopting are nothing more than the expression of the general policy we will follow in exercising our licensing power. The formulation of a regulation in general terms is an important aid to consistency and predictability and does not prejudice any rights of the applicant. Good administrative practice would seem to demand that such a statement of policy or rules and regulations be promulgated whenever sufficient information is available upon which they may be based."

Majority Opinion in NBC Supreme Court Appeal . . .

FULL TEXT of the decision of the Supreme Court of the United States (No. 1025, Oct. term, 1941) in the case of National Broadcasting Co. Inc., Woodmen of the World Life Insurance Co. and Stromberg-Carlson Telephone Mfg. Co., appellants, vs. The United States of America, Federal Communications Commission and Mutual Broadcasting System Inc., delivered June 1, 1942, follows:

Mr. Chief Justice STONE delivered the opinion of the Court.

This is a companion case to No. 1026, *Columbia Broadcasting System, Inc.* v. *United States*, decided this day. Both present substantially similar facts and the same issues of law.

Appellant, National Broadcasting Co., maintains two radio broadcasting systems, the "blue network" and the "red network". The two other appellants operate radio broadcasting stations licensed by the Communications Commission, and have entered into contracts with National similar to those involved in the *Columbia* case and to those of other stations which participate in National's networks.

History of Proceeding Reviewed by Court

Appellants brought the present suit in the Southern District of New York to set aside the order of the Commission of May 2, 1941, as amended by its order of Oct. 11, 1941, promulgating the Chain Broadcasting Regulations which we considered in the *Columbia* case, on the grounds that the order is beyond the Commission's statutory authority or, if within it, that the statute is an unconstitutional delegation of the legislative power of Congress in violation of Article I, § 1 of the Constitution, and operates to deprive appellants of property without the due process of law guaranteed by the Fifth Amendment.

The district court of three judges dismissed the complaint, — F. Supp. —, holding that the Commission's order is not reviewable under the provisions of § 402(a) of the Communications Act of 1934, 48 Stat. 1093, 47 U. S. C. § 402(a), and the Urgent Deficiencies Act, 38 Stat. 219, 28 U. S. C. § 47, but stayed the operation of the order pending direct appeal to this Court.

According to the allegations of the bill of complaint, National conducts its broadcasting business in substantially the same manner as Columbia. It establishes telephone wire connections with licensed broadcasting stations with which it enters into contracts for limited periods for chain broadcasting of its radio programs. These contracts do not require that the station shall broadcast the programs of no other chain than National.

But a feature of them is the option given to National for use of the station on 28 days' notice for certain specified periods of radio time in broadcasting commercial network programs provided by National. It is alleged that because of the contract provisions the regulations will require the stations affiliated with National to abandon their contracts or lose their licenses either by the Commission's cancellation of or refusal to renew them. The bill of complaint makes a sufficient showing of irreparable injury to National, including an allegation that forty-eight affiliated stations have served notice of abrogation of the contracts.

Effect of Minute Up to Trial Court

For the reasons stated at length in the opinion in the *Columbia* case, we hold that the order of the Commission is reviewable in the present suit by the district court of three judges. The bill of complaint states a cause of action in equity. The judgment will accordingly be reversed and the cause remanded for further proceedings.

Unlike the *Columbia* case, the record discloses no facts showing what effect the Commission's Minute adopted after the present suit was brought has had or will have upon the cancellation of appellants' contracts by the affiliated stations. So far as relevant that will be a matter for consideration by the court below, as will be the question, not considered here, whether the appellants other than National are proper parties plaintiff.

As in the *Columbia* case the stay now in effect will be continued, on terms to be settled by the court below.

Reversed.

Mr. Justice BLACK took no part in the consideration or decision of this case.

Mr. Justice REED, Mr. Justice FRANKFURTER and Mr. Justice DOUGLAS dissent for the reasons set forth in the dissenting opinion in No. 1026.

any time subject to call on less than 56 days' notice or more time than a total of three hours" within each of four specified segments of the broadcast day, the regulation declaring "such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations" (3.104); or which prevent the station (a) from rejecting network programs which the station reasonably believes to be unsatisfactory or unsuitable or (b) from substituting for the network program a program of outstanding local or national importance (3.105).

Provisions Covering Effective Date

After making its order of May 2, 1941, the Commission deferred its effective date until further order. By its order of Oct. 11, 1941, the Commission fixed the effective date as Nov. 15, 1941, and directed "that the effective date of Regulation 3.106 with respect to any station may be extended from time to time in order to permit the orderly disposition of properties", and "that the effective date of Regulation 3.107 shall be suspended indefinitely and any further order of the Commission placing said Regulation 3.107 in effect shall provide for not less than six months' notice and for further extension of the effective date from time to time in order to permit the orderly disposition of properties."

The bill of complaint also alleges that the purpose and effect of the regulations are to prohibit station licensees from having agreements of the kind which appellant has with its affiliates; that prior to the order of May 2, 1941, it was the practice of the Commission to renew the licenses of stations annually and that the licensed stations have had a reasonable expectancy of the annual renewal of their licenses; that 115 licensed stations have such contracts with appellant expiring at various times between the original effective date of the regulations and Dec. 31, 1947.

It is alleged that when their current licenses expire, at the latest, and perhaps earlier through the revocation of existing licenses, such stations face the loss of their licenses if they perform or continue in force or renew any existing contracts containing the described provisions.

The bill alleges that since the stations fear the loss of their licenses, as a result of the regulations, they will not negotiate for or renew affiliation contracts containing such provisions. And because they fear the loss of their licenses the stations have threatened to cancel and repudiate their affiliation contracts, and many have notified appellant that they will not be bound by their contracts after the regulations become effective.

As a consequence appellant's ability to conduct its business and maintain its public broadcasting service is seriously impaired and the regulations will make the operation of appellant's business more costly, reduce its earnings and render its property and business less valuable.

Procedure to Test Validity of Regulations

The bill of complaint was filed Oct. 30, 1941. The following day the Commission promulgated a supplemental "minute" setting up a procedure by which the validity of the regulations might be tested upon application for a license by an individual licensee. The minute declared that if a station wished to challenge the regulations the Commission would grant a temporary extension of its license until there had been a final court determination of the issues. In the event of such litigation, and if the validity of the regulations were sustained, "the Commission will nevertheless grant a regular license to the licensee, otherwise entitled thereto, who has unsuccessfully litigated that issue, if the licensee thereupon conforms to the decision".

An affidavit subsequently submitted by appellant in support of its motion for a temporary injunction states that since the Commission's minute of Oct. 31, appellant has continued to receive indications that its affiliates will cancel and repudiate their contracts and refuse to renew them, and has received no indication that the minute has or will have the effect of inducing stations to assume the burden of testing the validity of the regulations.

Attached to the affidavit are letters from five affiliates, written after Oct. 31, indicating their intention not to be bound by the contracts. The affidavit also states appellant's belief that it would have received more such letters had it not been for its circulation of information concerning the pendency of this suit.

Accepting the allegations of the complaint as true, as for present purposes we must, it is evident that application by the Commission of its regulations in accordance with their terms would disrupt appellant's broadcasting system and seriously disorganize its business. As the bill alleges, station licenses have been renewable by the Commission annually,[2] whereas appellant's contracts are for five year periods and many of them will survive the expiration of the existing licenses to the affiliated stations. Under Regulations 3.101, 3.102, 3.103 and 3.104, each affiliate must repudiate his contract or be denied the renewal of his license. In either case this would deprive appellant of the station's participation in its network, for which its contracts call.

Tends to Break Down Network Enterprise

Regulation 3.104 not only requires all options by appellant to be exercised on 56 days' rather than 28 days' notice as at present, but provides that no option time is exclusive of other networks, and thus allows to appellant no option time within which it can command the use of affiliated stations for any program for broadcasting on a national scale. These sections together thus operate to break down the network enterprise in which appellant and its affiliates are by their contracts cooperating, and to substitute a system in which every station is available to every network on a "first come first served basis".

The Commission concedes by its brief that as provided by § 312(a) "Any station license may be revoked . . . because of conditions revealed by such statements of fact as may be required [of a licensee] from time to time which would warrant the Commission in refusing to grant a license on an original application". Consequently the regulations by their terms, read in conjunction with § 312(a), expose licensees, who renew their affiliation contracts, to revocation proceedings by the Commission whenever upon a statement which the Commission may require it appears that the licensee has entered into an affiliation contract which the regulations proscribe.

A proceeding to set aside an order of the Commission under § 402(a) and the Urgent Deficiencies Act is a plenary suit in equity. Hence the questions raised by the motion to dismiss are whether the Commission's order is an "order", review of which is authorized by § 402(a) of the Act, and if so whether the bill states a cause of action in equity. The suit cannot be maintained unless both questions are answered in the affirmative.

FCC Orders Said to Have Effect of Law

Section 402(a) makes applicable the provisions of the Urgent Deficiencies Act to "suits to enforce, enjoin, set aside, annul, or suspend any order of the Commission" except orders "granting or refusing an application for a construction permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modification of an existing radio station license, or suspending a radio operator's license". Review of the orders excepted from § 402(a) is by appeal to the Court of Appeals of the District of Columbia under the provisions of § 402(b). See *Scripps-Howard Radio Inc.* v. *Federal Communications Comm'n*, 315 U. S.—.

Since the Commission's order neither grants, denies nor modifies any license, any review in advance or independently of an application for a station license must be under § 402(a), and then only if the Commission's order promulgating the regulations is an "order" within the meaning of this section. The particular label placed upon it by the Commission is not necessarily conclusive, for it is the substance of what the Commission has purported to do and has done which is decisive. *Powell* v. *United States*, 300 U. S. 276, 284-85; *A. F. of L.* v. *Labor Board*, 308 U. S. 401, 408.

The Commission's investigation of the contractual relations between the networks and the stations, which resulted in the order now under attack, was for the stated purpose of prescribing regulations of such relationships. The order authorizing the investigation recited that the proceeding was taken under § 303(i) of the Act, which gives the Commission "authority to make special regulations applicable to radio stations engaged in chain broadcasting".

Since the Commission is not in terms given authority to regulate contractual relations between the stations and the networks, regulation of them could be accomplished only by regulating licensed radio stations which participate in chain broadcasting. It was by regulations in terms applicable to such stations that the Commission sought to control their contractual relationships with the networks.

The order is thus in its genesis and on its face, and in its practical operation, an order promulgating regulations which operate to control such contractual relationships, and it was

FOR HIS BREAKFAST show honors, Don McNeil (left) is congratulated by John Holmes, president of Swift & Co., Chicago, sponsors of a portion of the BLUE *Breakfast Club*. Don won the "Star of Stars" honor in the 1942 listener poll of *Movie-Radio Guide*. *Breakfast Club* took top place in the "Favorite Program" vote.

the Favorite
ROCHESTER STATION
With Both LOCAL and NATIONAL Program Sponsors
There must be a reason for such Preference . . . Investigate Yourself!
BASIC CBS
WHEC
ROCHESTER

[2] On Oct. 11, 1941, the Commission amended Regulation 3.34 to make the normal license period two years.

adopted by the Commission in the avowed exercise of its rule-making power. Such regulations which affect or determine rights generally, even though not directed to any particular person or corporation, when lawfully promulgated by the Interstate Commerce Commission, have the force of law and are orders reviewable under the Urgent Deficiencies Act. *Assigned Car Cases*, 274 U. S. 564; *United States* v. *B. & O. R. Co.*, 293 U. S. 454. And regulations of like character, by which the Communications Commission has prescribed generally the records and accounts to be kept by telephone companies subject to its jurisdiction, are similarly reviewable under § 402(a). *A. T. & T. Co.* v. *United States*, 299 U. S. 232.

Penalties Involved For Failure to Comply

The regulations here prescribe rules which govern the contractual relationships between the stations and the networks. If the applicant for a license has entered into an affiliation contract, the regulations require the Commission to reject his application. If a licensee renews his contract, the regulations, with the sanction of § 312(a), authorize the Commission to cancel his license. In a proceeding for revocation or cancellation of a license, the decisive question is whether the station, by entering into a contract, has forfeited its right to a license as the regulations prescribe. It is the signing of the contract which, by virtue of the regulations alone, has legal consequences to the stations and to appellant.

The regulations are not any the less reviewable because their promulgation did not operate of their own force to deny or cancel a license. It is enough that failure to comply with them penalizes licensees, and appellant, with whom they contract. If an administrative order has that effect it is reviewable and it does not cease to be so merely because it is not certain whether the Commission will enforce the penalty incurred under its regulations for non-compliance. *Assigned Car Cases, supra; A. T. & T. Co.* v. *United States, supra.*

The regulations are rules which in proceedings before the Commission require it to reject and authorize it to cancel licenses on the grounds specified in the regulations without more. If the regulations are valid they alter the status of appellant's contracts and thus determine their validity in advance of such proceedings. By striking them down by a determination proclaimed in advance that licenses shall be cancelled or refused because of a previous failure to comply with the regulations, they impose a penalty and sanction for noncompliance far more drastic than the fines customarily inflicted for breach of reviewable administrative orders.

Most rules of conduct having the force of law are not self-executing but require judicial or administrative action to impose their sanctions with respect to particular individuals. Unlike an administrative order or a court judgment adjudicating the rights of individuals, which is binding only on the parties to the particular proceedings, a valid exercise of the rule-making power is addressed to and sets a standard of conduct for all to whom its terms apply.

It operates as such in advance of the imposition of sanctions upon any particular individual. It is common experience that men conform their conduct to regulations by governmental authority so as to avoid the unpleasant legal consequences which failure to conform entails. And in this case it is alleged without contradiction that numerous affiliated stations have conformed to the regulations to avoid loss of their licenses with consequent injury to appellant.

Loss of Licenses For Violation of Rules

Such regulations have the force of law before their sanctions are invoked as well as after. When as here they are promulgated by order of the Commission and the expected conformity to them causes injury cognizable by a court of equity, they are appropriately the subject of attack under the provisions of § 402(a) and the Urgent Deficiencies Act. *A. T. & T. Co.* v. *United States, supra; Rochester Tel. Corp.* v. *United States*, 307 U. S. 125; *Interstate Commerce Commission* v. *Goodrich Transit Co.*, 224 U. S. 194; *Kansas City So. Ry.* v. *United States*, 231 U. S. 423; *Assigned Car Cases, supra; Chicago R. I. & P. Ry. Co.* v. *United States*, 284 U. S. 80; *United States* v. *B. & O. R. Co., supra.*

It is no answer to say that the regulations are addressed only to the Commission and merely prohibit it from granting—and authorize it to cancel—licenses in the case of all stations entering into such contracts, and that accordingly all stations are left free to enter into contracts or not as they choose.

They are free only in the sense that all those who do not choose to conform to regulations which may be determined to be lawful are free by their choice to accept the legal consequences of their acts. Failure to comply with the regulations entails such consequences to the station owner and to appellant. These are the loss of the affiliated stations' licenses if they adhere to their contracts, and disruption of appellant's network through the declared unlawfulness of the contracts, if the regulations are valid.

The purposes sought to be accomplished by § 402(a) and the Urgent Deficiencies Act would be defeated if a suitor were unable to resort to them to avoid reasonably anticipated irreparable injury resulting from such legal consequences of the Commission's order, merely because the Commission as yet has neither refused to renew a license, as the regulations require, nor cancelled a license, as the regulations permit. Such an argument addressed to the form rather than the substance of the order was rejected in *Powell* v. *United States, supra*; cf. *A. F. of L.* v. *Labor Board, supra*, 408. The *Powell* case likewise repudiates the suggestion that merely because the order is not in terms addressed to those whose rights are affected, they cannot seek its review. See also *Western Pacific* v. *South. Pac. Co.*, 284 U. S. 47; *Claiborne-Annapolis Ferry Co.* v. *United States*, 285 U. S. 382.

Rights of Others Determined in Advance

The order here is not one, as the Government argues and as the court below seemed to think, where the complainant's rights are affected only on the contingency of future administrative action as in *United States* v. *Los Angeles R. R.*, 273 U. S. 299; cf. *Rochester Telephone Corp.* v. *United States, supra*, 139. As the Court declared in the *Los Angeles* case, 309, 310, reviewable orders are "an exercise either of the quasi-judicial function of determining controversies or of the delegated function of rate making and rule making". And the Court pointed out that the "so-called order" in that case did not "determine any right or obligation" or change the plaintiff's "existing or future status or condition", and that it was "merely the formal record of conclusions reached after a study of data collected in the course of extensive research conducted by the Commission" and "is the exercise solely of the function of investigation."

Here the Commission exercised its rule-making power by adopting regulations whose operation is not made subject to future administrative determinations, save only as the Commission may be called on to decide in any given case whether a station's contract with a network is within the regulations. The regulations' applicability to all who are within their terms does not depend upon future administrative action. Instead they operate to control such action and to determine in advance the rights of others affected by it. The Commission gave its own recognition that such is their operation by its successive postponements of the effective date of the order for a period now expired, and by its suspension of Regulations 3.106 and 3.107, in order to enable the networks to dispose of their properties.

Of course the Commission was at liberty to follow a wholly different procedure. Instead of proclaiming general regulations applicable to all licenses, in advance of any specific contest over a license, it might have awaited such a contest to declare that the policy which these regulations embody represents its concept of the public interest. As a matter of sound administrative practice, both the rule-making proceeding and the specific license proceeding undoubtedly have much to commend them.

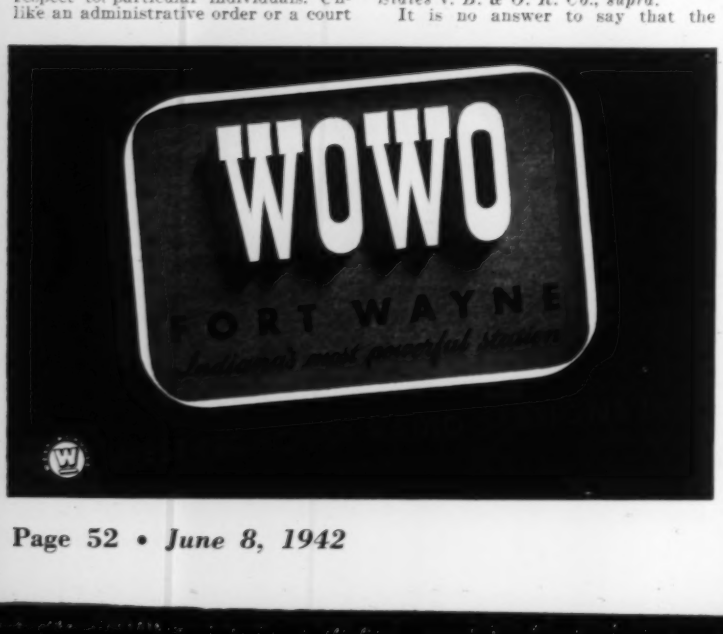
But they are by no means the same, nor do they necessarily give rise to the same kind of judicial review. Having adopted this order under its rule-making power, the Commission cannot insist that the appellant be relegated to that judicial review which would be exclusive if the rule-making power had never been exercised and consequently had never subjected appellant to the threatened irreparable injury.

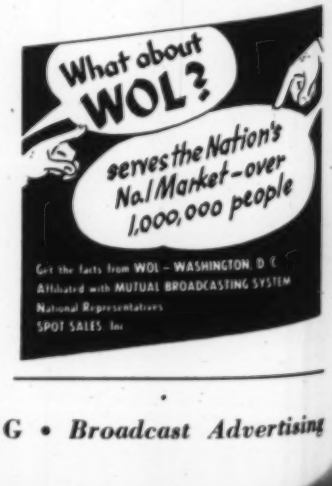
The court below assumed that if appellant had any equitable cause of action, it must be prosecuted in an ordinary suit and not under the provisions of the Urgent Deficiencies Act. But we think this mistakes both the nature of the regulations and the purpose of suits under that Act, as incorporated in § 402(a). Such a cause of action obviously can arise only because of the operation of the regulations. The regulations are the effective implement by which the injury complained of is wrought, and hence must be the object of the attack. It is because they are an exercise of the rule-making power, and because they presently determine rights on the basis of which the Commission is required to withhold licenses and authorized to cancel them, that there is an order within the meaning of § 402(a) and the Urgent Deficiencies Act.

The Commission argues that since its Report characterized the regulations as announcements of policy, the order promulgating them is no more subject to review than a press release similarly announcing its policy. Undoubtedly regulations adopted in the exercise of the administrative rule-making power, like laws enacted by legislatures, embody announcements of policy. But they may be something more.

When, as here, the regulations are

BROADCAST IN FORMAL was in order for Melvin Burka, announcer, and Emmy Lou Jackson, remote engineer of WCHS, Charleston, and the West Virginia Network, when an *Esso Reporter* program was spotted from a hotel ballroom where a formal dinner was in progress.




What about WOL?
serves the Nation's No.1 Market—over 1,000,000 people
Get the facts from WOL—WASHINGTON, D. C.
Affiliated with MUTUAL BROADCASTING SYSTEM
National Representatives
SPOT SALES Inc.

rowedly adopted in the exercise of that power, couched in terms of command and accompanied by an announcement of the Commission that the policy is one "which we will follow in exercising our licensing power", they must be taken by those entitled to rely upon them as what they purport to be — an exercise of the delegated legislative power—which, until amended, are controlling alike upon the Commission and all others whose rights may be affected by the Commission's execution of them.

The Commission's contention that the regulations are no more reviewable than a press release is hardly reconcilable with its own recognition that the regulations afford legal basis for cancellation of the license of a station if it renews its contract with appellant.

Appellant Adversely Affected by Rules

Appellant's standing to maintain the present suit in equity is unaffected by the fact that the regulations are not directed to appellant and do not in terms compel action by it or impose penalties upon it because of its action or failure to act. It is enough that, by setting the controlling standards for the Commission's action, the regulations purport to operate to alter and affect adversely appellant's contractual rights and business relations with station owners whose applications for licenses the regulations will cause to be rejected and whose licenses the regulations may cause to be revoked. *Chicago Junction Case*, 264 U. S. 258, 262-63; *Western Pacific* v. *South. Pac. Co., supra; Claiborne-Annapolis Ferry Co.* v. *United States, supra;* compare, in the case of an attack upon the validity of a statute, *Truax* v. *Raich*, 239 U. S. 33, 38-39; *Pierce* v. *Society of Sisters*, 268 U. S. 510.

What we have said of the allegations of the complaint, and of the effect of the Commission's order if those allegations are sustained upon the trial, is enough to establish the threat of irreparable injury to appellant's business and to show also that the injury can not be avoided, as the Commission suggests, by appellant's intervention in proceedings upon applications for renewal of licenses by its affiliates or in proceedings to cancel their licenses, if and when such proceedings are instituted.

Appellant has sufficiently alleged that the affiliates are cancelling or threatening to cancel their contracts in order to conform to the regulations. It is to avoid the irreparable injury which would result from such wholesale cancellations of its contracts, induced by the force of the regulations, that appellant makes its attack on them now rather than in later proceedings on the individual applications for licenses in those cases, if any, in which the stations are willing to seek licenses without complying with the prerequisites laid down by the regulations.

The issues in such a proceeding are not necessarily the same as the issues here. Intervention in it would afford appellant no assurance either of an adjudication of appellant's contentions or that the action of other stations would be governed by it. Moreover, if the Commission's order is as we hold a reviewable order, appellant is free to seek review under § 402(a). It is not thereby, as the court below seemed to think, improperly substituting a different procedure and court for that which Congress has prescribed for the trial of like issues so far as they may be raised on review of an order denying a license.

Such issues may likewise be involved in a proceeding, upon the Commission's own motion, for modification or cancellation of a license, which concededly is reviewable under § 402(a). See *Scripps-Howard Radio Inc.*, v. *Federal Communications Commission*, *supra*. But review of the order by a licensee in such a proceeding affords no adequate remedy. If ever instituted, which is uncertain, it would come too late to save appellant from the injury wrought by the outlawry of its contracts.

'Overrefined Technique' Is Cited by Court

Nor does the Commission's minute, filed after the present suit was brought, afford an adequate basis for requiring appellant to seek relief by intervention in a proceeding on application for a license reviewable under § 402(b). In that event the minute would not operate to broaden the issues involved in the renewal application. Nor would it afford a basis for restraining enforcement of the regulations as to other affiliated stations, pending adjudication of the validity of the regulations.

Without full exploration of the subject, such as can be had only at the trial, we cannot say that the minute will afford a sufficient inducement to persuade the affiliated stations to cease cancellations and assume the initiative in litigating the validity of the regulations and of the contracts which they undertake to condemn. The affidavit filed in the court below on the application for a stay is to the contrary.

And in any case we are of the opinion that there are no equitable principles by which the right of appellant, upon the showing made by its complaint and affidavit, to test the order under § 402(a) can justly be suspended to await action which the station owners may or may not take in assuming the burden of challenging the regulations.

We need not stop to discuss here the great variety of administrative rulings which, unlike this one, are not reviewable—either because they do not adjudicate rights or declare them legislatively, or because there are adequate administrative remedies which must be pursued before resorting to judicial remedies, or because there is no occasion to resort to equitable remedies. But we should not for that reason fail to discriminate between them and this case in which, because of its peculiar circumstances, all the elements prerequisite to judicial review are present.

The ultimate test of reviewability is not to be found in an overrefined technique, but in the need of the review to protect from the irreparable injury threatened in the exceptional case by administrative rulings which attach legal consequences to action taken in advance of other hearings and adjudications that may follow, the results of which the regulations purport to control.

We conclude that the Commission's promulgation of the regulations is an order reviewable under § 402(a) of the Act, and that the bill of complaint states a cause of action in equity. The stay now in effect will be continued, on terms to be settled by the court below.

Reversed.

Mr. Justice BLACK took no part in the consideration or decision of this case.

Parade Poobah

IT ISN'T enough that he's general manager of a hustling, live station and frequently has to take off on business jaunts around the country. Recently, A. E. Joselyn, general manager of WBT, Charlotte, hurriedly had to conclude his business trip to Washington and get home to supervise what was claimed the biggest local parade. All he had to do was supervise a two-hour march of about 10,000 participants, including the boys in uniform, their "jeeps", artillery, field wagons, local fire trucks, boy and girl scouts, State Guardsmen, Victory Belles (soldiers' girl friends) and 16 bands. To top it all it poured rain but the local papers report everything started on time and "moved along smoothly".

LEARNS ABOUT BRITISH

St. John Works in Factory To Get Background

THE PEOPLE of England at war are described in a new series of weekly broadcasts on NBC by Robert St. John, chief of NBC's London staff. In *People*, title of the series which started Sunday, May 31, St. John brings American listeners reports on what he has seen during his travels in England.

In an effort to learn more about the British working people and their leaders, St. John took a job in a munitions factory on his arrival in England soon after Pearl Harbor, writing articles and preparing broadcasts for NBC by night. He travelled extensively throughout the British Isles, working and living with its people, and talking with Winston Churchill, Sir Stafford Cripps, and other government officials, including most of the British War Cabinet.

St. John is the author of *The Land of Silent People*, which was based on his experiences as an AP reporter in the Balkans during the Nazi blitzkrieg.

Radio in Defense

THE STORY of radio in national defense is summarized and illustrated in a 34-page red and blue booklet titled *Radio—All-Out For Victory*, issued last week by RCA. Profusely illustrated, with pictures illustrating radio's rule in the war effort, the booklet also contains a double-page map of direct and radiotelephone circuits to foreign countries currently in use by RCA Communications.

WOMEN ENROLLED BY SIGNAL CORPS

FOR EXACTING work as inspectors in private plants making radio, telephone and other equipment for Army use, women with high school education have been urged by the Army Signal Corps to apply for jobs with that branch which will pay $120 per month during a six to nine-month training period and $135 per month when they start regular work.

The Women's Bureau of the Signal Corps reports that hundreds of women will be needed. The offer is open to those having a mathematical and scientific aptitude and education. Qualified women are urged to register with the third district of the Civil Service Commission in Philadelphia.

Candidates must have the equivalent of a regular four-year high school course with six successfully completed units in chemistry, physics, mathematics or drafting, or a total of six units in any combination of these courses. It was pointed out that most high schools offer more than the required minimum of the Signal Corps. Night school and college training also is acceptable and age limits have been set at from 20½ to 35 years.

It was emphasized that the work done will be vital to the war effort and that "the outcome of a military campaign might be affected."

BOB CROSBY, orchestra leader, during the summer vacation of his brother Bing, starting June 25, will be featured as singer and m.c. on the weekly NBC Kraft Music Hall.

5000 WATTS WEVD 1330 KILO

NEW YORK'S STATION OF DISTINCTIVE FEATURES

The unique position of WEVD with a large section of Metropolitan New York's radio audience is evidenced by—

1. The feature boxes of newspaper radio programme pages.
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Ask for "Who's Who on WEVD" . . . sent on request.

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Think of quality transcription processing and you think of CLARK. That's natural as ABC. Since radio's pioneer days CLARK has been the symbol for pride of workmanship and dependability of performance. All over America electrical transcriptions bear the stamp of CLARK experience. Today nearly every sizable transcription producer is a CLARK client. How about you?

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Dissenting Opinion in Monopoly Appeal

FULL TEXT of the dissenting opinion follows:

Mr. Justice FRANKFURTER, dissenting.

The criteria governing judicial review of "orders" under the Urgent Deficiencies Act were defined by a unanimous Court in *United States* v. *Los Angeles R. R.*, 273 U. S. 299, 309-10: "The so-called order here complained of is one which does not command the carrier to do, or to refrain from doing, any thing; which does not grant or withhold any authority, privilege or license; which does not extend or abridge any power or facility; which does not subject the carrier to any liability, civil or criminal; which does not change the carrier's existing or future status or condition; which does not determine any right or obligation."

If "broadcasting company" were substituted for "carrier", this analysis of the legal consequences of the action of the Interstate Commerce Commission in the *Los Angeles* case would fit perfectly the legal consequences of the action of the Federal Communications Commission in making public the challenged regulations.

Power of Courts Limited by Congress

The fact that an action of an administrative agency occasions even irreparable loss does not in itself afford sufficient grounds for judicial review. Even if the Commission committed a wrong, the question of judicial reviewability still remains that put in the *Los Angeles* case, 273 U. S. at 313, to wit, is it "a wrong for which Congress provides a remedy under the Urgent Deficiencies Act" of Oct. 22, 1913, 38 Stat. 208, 219, as incorporated in § 402(a) of the Communications Act of 1934?

For Congress has not authorized resort to the Federal courts merely because someone feels aggrieved, however deeply, by an action of the Federal Communications Commission. A District Court of the United States can take a case only when Congress has authorized that type of case to be taken.

Congress did not leave opportunity for reviewing damaging action by the Federal Communications Commission to the general equity powers of the district courts. It circumscribed the power of the courts in relation to the Commission in the most detailed way. Its incorporation by reference, in the Communications Act of 1934, of the scope of review allowed in reviewing an "order" of the Interstate Commerce Commission gave all the precise, definite, and technical boundaries which the concept of a reviewable "order" had acquired through the decisions of this Court prior to the enactment of the Communications Act. The precise requirements of an "order" of the Commission for purposes of judicial review are therefore as inflexible as though they were written into the Act itself.

Our problem, then, is this: Does the issuance of the chain broadcasting regulations constitute an "order" reviewable in a proceeeding brought under § 402(a) of the Communications Act, in the light of the settled rules for determining what such an "order" is when a determination of the Interstate Commerce Commission is made the basis of judicial review.

It is therefore necessary to put out of mind what this case is not. It is not the invocation of equity jurisdiction in order to avoid threatened irreparable harm resulting from the criminal enforcement of an unconstitutional statute, as in *Pierce* v. *Society of Sisters*, 268 U. S. 510. Nor do we have here a resort to equity because it is essential for the protection of asserted rights that criminal prosecutions unauthorized by law be restrained, as in *Shields* v. *Utah Idaho R. Co.*, 305 U. S. 177, 183.

Nobody Required To Do Anything

In promulgating these regulations the Communications Commission merely announced its conception of one aspect of the public interest, namely, the relationship of certain provisions in network-affiliation contracts to the obligation of a station licensee to render the most effective service to the listening public. The regulations themselves determine no rights.

They alter the status of neither the networks nor licensees. As such they require nobody—neither the networks, the licensees, nor the Commission—to do anything. They are merely an announcement to the public of what the Commission intends to do in passing upon future applications for station licenses. No action of the stations or the networks can violate the regulations, for there is nothing the regulations require them to do or refrain from doing.

Announcements of general policies intended to be followed by administrative agencies customarily take any one of various forms. Sometimes they are noted in the agency's annual report to Congress, sometimes in a public announcement or press release, and sometimes, as was the case here, they are published as "rules" or "regulations". See Final Report of the Attorney General's Committee on Administrative Procedure (1941), pp. 26-27. But whatever form such announcements may take, their nature and effect is the same.

The reason why the Commission formulated its chain broadcasting policy in the form of a "regulation" is given in its report: "We believe that the announcement of the principles we intend to apply in exercising our licensing power will expedite business and further the ends of justice. . . . Good administrative practice would seem to demand that such a statement of policy or rules and regulations be promulgated wherever sufficient information is available upon which they may be based." Report on Chain Broadcasting, Federal Communications Commission, Order No. 37, Docket No. 5060, p. 85.

FCC Is Essentially A Licensing Agency

With respect to its jurisdiction over matters relating to radio broadcasting, the Communications Commission is essentially a licensing agency. Its regulatory power over the industry is derived, for the most part, from its authority to grant and withhold station licenses. Under § 309 of the Communications Act of 1934 the Commission is required to examine each application for a station license and to determine in each case whether a grant would serve public interest, convenience, or necessity.

As was noted in *Federal Communications Commission* v. *Pottsville Broadcasting Co.*, 309 U. S. 134, 138, the Act "expresses a desire on the part of Congress to maintain, through appropriate administrative control, a grip on the dynamic aspects of radio transmission." To that end Congress established an administrative procedure under which the Commission must make specific determination in each case whether the public interest would be served by granting the particular application before it. No announcement of general licensing policy can relieve the Commission of its statutory obligation to examine each application for a license and determine whether a grant or denial is required by the public interest.

The Commission recognized this fact in issuing these regulations. It explicitly stated that a determination of the requirements of the public interest will, in spite of the regulations, still have to be made in passing upon particular applications: "Announcements of policy may take the form of regulations or of general public statements.

In either case, the applicant's right to a hearing on the question whether he does in fact propose to operate in the public interest is fully preserved. The regulations we are adopting are nothing more than the expression of the general policy we will follow in exercising our licensing power. The formulation of a regulation in general terms is an important aid to consistency and predictability and does not prejudice any rights of the applicant." Report on Chain Broadcasting, *supra*, p. 85.

Subsequent to the promulgation of the regulations, the Commission found that substantial modifications were necessary. In its supplemental report on these amendments the Commission gave further evidence of the flexible nature of the regulations: "The Commission stands ready at all times to amend and modify its regulations upon the petition of any network, national or regional, or any station or group of stations if it can be shown that those regulations prevent profitable network operations, or unduly disturb any aspect of broadcasting, or that because of special or changed circumstances the chain broadcasting regulations should not be applicable to any particular situation."

Moreover, in its minute of Oct. 31, 1941, designed primarily to protect the interests of station licensees who contest the validity of the regulations, the Commission again made it abundantly clear that the regulations were not final: "If a station wishes to contest the validity of the Chain Broadcasting Regulations . . . , or the reasonableness of their application to the particular station, its license will be set for hearing."

Not Yet Ripe for Judicial Review

The regulations do not, therefore, commit the Commission to any definitive course of action in passing upon applications for licenses. Consistently with the regulations (and, more specifically, consistently with the authority of the Commission to depart from general regulations where such departure is in the public interest, see *Radio Commission* v. *Nelson Bros. Co.*, 289 U. S. 266, 285), the Commission is free to dilute them with amendments and exceptions. The construction of the regulations and their application to

MOO MOODS were presented listeners of KFH, Wichita, when Jezebel, the cow with the straw chapeau, made her radio debut. She appeared on the Cessna Aircraft Co. program *Strictly Personnel*, which features the hobbies of the plant employees. Her broadcast consisted of milking into a tin bucket to the tune of "Glow Worm".

articular situations is still in the hands of the Commission. Administrative adjudication is still open. Before its completion it is not ripe for judicial review.

The characteristics of the administrative determinations in all the cases on which the Court's opinion relies were wholly different. In each one of the force of the law either through criminal prosecution or injunction or else or some other judicial remedy could immediately be brought to bear to enforce the command of the administrative agency. In none of the cases was an administrative action held reviewable which in itself entailed no immediate legal consequences.

Thus, in the *Assigned Car Cases*, 274 U. S. 564, suit was brought under the Urgent Deficiencies Act to annul an order of the Interstate Commerce Commission prescribing for all railroads within its jurisdiction a rule governing distribution of cars for the transportation of bituminous coal. Under § 402 of the Transportation Act of 1920, 41 Stat. 456, 476, 49 U. S. C. 11 (12) (14), the carriers were required "to make just and reasonable distribution of cars", and the Commission was authorized to "establish reasonable rules, regulations, and practices with respect to car service by carriers by railroad".

Failure of a carrier to comply with such regulations issued by the Commission was declared unlawful, subjecting the carrier to a fine of $100 for each offense. Since the order of the Commission commanded carriers to take specified actions, and since the failure to comply with the order would bring immediate legal sanctions, the order was held reviewable.

Similarly, in *United States* v. *B. & O. R. Co.*, 293 U. S. 454, the Interstate Commerce Commission required railroads subject to its jurisdiction to equip locomotives with a suitable type of power-operated reverse gear. The Boiler Inspection Act, 36 Stat. 913, 916, expressly provided that violation by a carrier of any rule or regulation issued by the Commission under the Act was punishable by a fine recoverable in a civil action. A suit under the Urgent Deficiencies Act to set aside the Commission's order was therefore entertained.

Cites Other Rulings Of Administrative Agencies

A. T. & T. Co. v. *United States*, 299 U. S. 232, was a suit under § 402(a) of the Communications Act of 1934, the same provision upon which jurisdiction of the present litigation is based, to set aside an order of the Federal Communications Commission prescribing a uniform system of accounts for telephone companies within the Act. Section 220(a) authorized the Commission to prescribe such forms of accounts, and § 220(d) made the failure or refusal of a company to keep accounts in the manner prescribed by the Commission unlawful, punishable by a $500 forfeiture for each day of the continuance of the offense. Because of the legal sanctions immediately attaching upon its violation, the order was held reviewable.

In *Interstate Commerce Commission* v. *Goodrich Transit Co.*, 224 U. S. 194, the Commission, under the authority vested in it by § 20 of the Interstate Commerce Act, issued orders prescribing forms of accounts, records, and memoranda and calling for annual reports of carriers by water. Section 20(7) made it unlawful for such carriers to keep any accounts other than those prescribed by the Commission. A suit to set aside the orders was therefore entertained.

Similarly, in *Kansas City So. Ry.* v. *United States*, 231 U. S. 423, suit was brought to annul regulations of the Interstate Commerce Commission prescribing a uniform bookkeeping and accounting system for interstate railway carriers. Since carriers who failed to keep accounts as ordered by the regulations were subject to penalties under § 20(7) of the Act, jurisdiction was taken. And in *Chicago, R. I. & P. Ry. Co.* v. *United States*, 284 U. S. 80, the Interstate Commerce Commission prescribed car-hire settlement rules governing use by common carriers of each other's cars. Violation of such rules by carriers was declared unlawful and subject to fines. Consequently, a suit to set aside the rules was entertained.

Refers to Ruling In Rochester Case

Of course, the mere fact that an administrative order determines a status does not mean that it is not reviewable. If an administrative determination of status has the effect of subjecting a person to legal obligations, whether embodied in statute or previously formulated administrative commands, or otherwise affecting legal rights, such a determination possesses the elements of a reviewable order. Thus, in *Rochester Tel. Corp.* v. *United States*, 307 U. S. 125, the Federal Communications Commission had issued orders requiring all telephone carriers subject to the Communications Act of 1934 to file schedules of their charges, copies of contracts with other carriers, etc.

Section 203(e) of the Act provides that a carrier which fails or refuses to comply with such rules of the Commission shall forfeit $500 for each offense, and $25 for each day of its continuance. After investigation and hearing, the Commission determined that the Rochester Telephone Corp. was a telephone carrier subject to the Act and therefore subject to the previously promulgated general orders directed to carriers within the Commission's jurisdiction. "The order of the Communications Commission in this case was therefore reviewable. It was not a mere abstract declaration of status of the Rochester under the Communications Act, nor was it a stage in an incomplete process of administrative adjudication.

The contested order determining the status of the Rochester necessarily and immediately carried direction of obedience to previously formulated mandatory orders addressed generally to all carriers amenable to the Commission's authority. Into this class of carriers the order under dispute covered the Rochester, and by that fact, in conjunction with the other orders, made determination of the status of the Rochester a reviewable order of the Commission." *Rochester Tel. Corp.* v. *United States*, 307 U. S. at 143-44. Compare *A. F. of L.* v. *Labor Board*, 308 U. S. 401, 408. Unlike the action taken by the Federal Communications Commission in the *Rochester* case, its action here carried no directions of obedience of any kind to anyone.

It is said that the regulations derive legal effect through § 312(a) giving the Commission authority to revoke licenses, and that "by virtue of the regulations alone", the networks and their affiliates are now subjected to legal detriment. But this is merely another way of phrasing the main contention that the regulations at once and without further action by the Commission release legal sanctions. But the regulations have no such effect. To be sure, the Commission can revoke a station license "because of conditions revealed by such statements of fact as may be required from time to time which would warrant the Commission in refusing to grant a license on an original application".

Licenses Not Revoked By Adoption of Order

But the Commission may never require a licensee to file a statement of fact under § 312(a); its provisions may therefore never come into operation. In any event, the regulations as such do not subject licensees to any sanctions. A license can be revoked under § 312(a) because of the licensee's failure to operate its station in the public interest, as required by the statute.

The regulations adopted by the Commission cannot operate to revoke any licenses. It is only after a proceeding has been started (in which the licensee is entitled to a hearing during which the revocation order is suspended) and adversely concluded against a party that legal sanctions come into play—the Commission can bring proceedings to enforce its order of revocation and, correspondingly, the licensee can bring suit under § 402 (a) challenging the validity of the Commission's termination of the license.

Section 502 of the Communications Act provides that the violation of "any rule, regulation, restriction, or condition made or imposed by the Commission under authority of this Act" shall be a criminal offense. Would the renewal by a licensee of its network-affiliation contract subject it to the criminal penalties imposed by § 502? Obviously not, for the regulations do not forbid a licensee from taking that or any other action. And, for the same reason, a license could not be revoked under the provision of § 312(a) which authorizes revocation "for violation of or failure to observe . . . any regulation of the Commission authorized by this Act. . . ."

If the Commission had issued regulations which ordered licensees to do or refrain from doing something, the problem would be entirely different. Violation by a licensee of such a regulation would be grounds for revocation of its license, under § 312(a), and for the imposition of criminal penalties, under § 502. And, the other requisites being present, such a regulation could be reviewed as a final administrative determination.

This leaves only the suggestion that since the action taken by the Commission, although not the completion of its adjudicatory process, nevertheless drastically affects substantial business interests, it is proper for the courts to intercede at this stage. Even if this argument were to be considered as if it had never before been made to and rejected by this Court, its infirmities are obvious.

'Business Consequences' Not Basis of Jurisdiction

As a practical matter, the impact upon the business operations of the networks and their affiliated stations would probably be as disturbing as if the policies formulated in the regulations had been expressed through a press release, or if only the report, which is not only the foundation of the regulations but also embodies them, had been published without the regulations which are only the summary of the report, or if Congress itself had incorporated these regulations into the text of the Communications Act.

It will hardly be argued that any of these steps could be the subject of judicial review before the Commission acted upon particular applications. But assume that the greater formality given to the announcement of the Commission's statement of policy through the regulations intensified the practical business consequences.

Congress has not conferred upon the district courts jurisdiction over "practical business consequences". They can review action of administrative agencies only when there is an "order".

Not a Tremble

THERE'LL be no quaver in the announcer's voice when WENY, Elmira, N. Y., when the station is ordered off the air by the Interceptor Command. The station has transcribed its sign-off announcement for radio blackouts, with the voice being recorded while the announcer was at ease. The disc has been placed conspicuously over the turntables. A duplicate is kept handy.

ONE Outstanding Market

More than $130,754,000.00 annually is spent in retail purchases by the 563,500 people in this area. Drug products alone account for more than $4,583,000.00.

with ONE Selling VOICE

During 49 of the 60 quarter hour periods between 7:00 A.M. and 10:00 P.M., WTAD holds the greatest percentage of the listening audience in this area—with percentages ranging from 97.8% to 23.8% (8,244 interviews prove it!).

about which ONE Retailer Says

Edwin Bard, Bard Optical Co.: "We operate stores in Quincy, Jacksonville, Macomb, Canton and Galesburg, and we have used WTAD many months. The returns have been so gratifying that we are contemplating opening up additional stores. We can truthfully say that radio does not cost a penny—it pays!"

SEE How Your SALES Increase Because RADIOS Keep Tuned To . . .

"930 on the Dial"

WTAD

QUINCY, ILL. C. B. S. 1000 Watts

THE KATZ AGENCY National Representative

Buffalo's Only

50,000

WATT

RADIO MAP

Blanketing

11 Eastern

Seaboard States

227,000 Sq. Miles

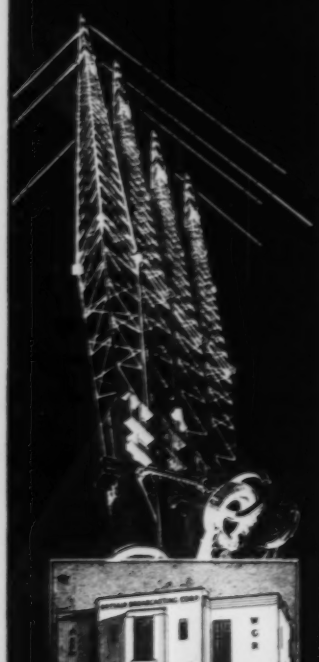
Over 12,000,000

people

WKBW

BASIC COLUMBIA

NETWORK STATION



New $350,000 Transmitter Plant

BUFFALO

BROADCASTING CORPORATION

and when Congress in § 402(a) made only an "order" of the Communications Commission reviewable, it incorporated the settled doctrine established by an unbroken series of decisions in this Court that the courts could review only a final determination by an agency whereby its process has been concluded.

This is not the first time that the Federal courts have been urged to sit in judgment upon "practical business consequences" where the action to be reviewed did not represent the final stage of administrative adjudication. The arguments made in this case have been made in the past but heretofore have always been rejected by this Court. The classic formulation and application of the doctrine of finality as to orders under the Urgent Deficiencies Act was contained in *United States v. Los Angeles R. R.*, 273 U. S. 299. In view of the thoroughness of the argument at the bar, and the weightiness of the opinion, that case has ever since been regarded as furnishing the guideposts in this field of law. It should govern here.

Recalls Arguments In Railway Case

Suit was brought there to annul and enjoin an order of the Interstate Commerce Commission determining the final valuation for rate-making purposes of the Los Angeles & Salt Lake Railroad Company which operated a thousand miles of railroad lines. The valuation fixed by the Commission was $45,200,000; the carrier claimed that if the Commission had employed proper standards of valuation, the figure would be $70,000,000, a difference of $24,800,000. At the time suit was brought approximately 250,000 miles of railroad lines throughout the country were undergoing valuation.

The validity of the criteria employed by the Commission in the case of the Los Angeles & Salt Lake Railroad Co. was therefore of enormous national significance. In the words of Commissioner Eastman, "This case deals with an issue of greater moment to the country than any that we have ever determined." 75 I. C. C. 523. These issues, involving practically every phase of valuation law, were canvassed in an adversary proceeding before the Commission lasting nearly a year and a half, resulting in a report of one hundred and forty pages, and expressed in a formal "order" of ten pages.

Counsel for the railroad company there, as do counsel for the broadcasting company here, relied upon the practical finality of the order as a basis for review: "As a practical matter, the Commission in any and all proceedings in which it has occasion to use this valuation will give it not *prima facie* but conclusive effect. In the valuation proceeding before the Commission which resulted in this order petitioner introduced its evidence of the value of the properties and the proceeding resulted in a valuation greatly at variance with the evidence and contentions of petitioner.

No greater effect will be given to evidence which petitioner may introduce in some future proceeding before the Commission in an attempt to overcome the *prima facie* effect accorded by the Act to this valuation order. Therefore, unless and until set aside and annulled, this valuation will stand as a continuing menace against petitioner, and may be repeatedly used to petitioner's prejudice in rate, division, consolidation, security-issue and recapture proceedings." Brief for Appellee, pp. 64-65.

The Court specifically referred to this argument of counsel: "One [argument in support of jurisdiction] is that since the Commission has by reason of errors of law and of judgment grossly undervalued the property, its report will, unless suppressed, injure the credit of the carrier with the public." Finding, however, that the order did not finally determine any legal rights, the Court refused review: "Its [the Commission's] conclusions, if erroneous in law, may be disregarded. But neither its utterances, nor its processes of reasoning, as distinguished from its acts, are a subject for injunction." 273 U. S. at 314-15.[3]

Disposition of Judicial And Administrative Power

To argue that irreparable injury implies reviewability is in effect to contend that there must be a remedy because the plaintiff claims serious damage. But in these situations—in reviewing "orders" under the Urgent Deficiencies Act—Federal courts can give a remedy only to enforce a legal right, and a legal right cannot be derived merely by concluding that a particular claim of hardship should afford a remedy. While formally we may appear to be dealing with technicalities, behind these considerations lie deep issues of policy in the division of authority as between administrative agencies and courts in carrying out the constitutional will of Congress. The source of the misconception underlying the claim for equitable relief in this case is the assumption that this is merely an ordinary invocation of equity, as though it were a controversy between two litigants of which only the courts are or can be seized. What we are here concerned with is due regard for the proper distribution made by Congress of legal authority as between two law-enforcing agencies of government, the administrative and the judicial. See *United States v. Morgan*, 307 U. S. 183, 190-91; *Federal Communications Commission v. Pottsville Broadcasting Co.*, 309 U. S. 134.

This case illustrates anew the influence of a particular instance of felt hardship in derailing legal principles from customary tracks. But this is not an isolated case.

If threatened damage through general pronouncement of policy for future administrative action, to equitable review apart from the rule that judicial review is premature because of want of administrative finality, the same basis of irreparable harm which is here equated to jurisdiction will bear rich litigious fruit in the case of "regulations" issued by the Securities and Exchange Commission which are damaging in their immediate repercussions to stock exchange and holding companies, or regulations announced by the Treasury for the guidance of taxpayers but which adversely affect business interests, or regulations by the Federal Power Commission, etc.

Suppose, for example, that the Commissioner of Internal Revenue issues a ruling that profits derived by radio stations from their network operations are subject to a tax deemed by them onerous and illegal. Could a network successfully bring a suit in equity prior to the imposition of such taxes to invalidate the ruling on the ground that its practical consequence was the cancellation of or refusal to renew network affiliations? One had supposed that the answer was clearly no. But surely in principle the problem is essentially that of the cases before us.

Historical Background Of Judicial Review

A final consideration remains. We are not dealing with the reviewability of administrative orders *in vacuo*. The reviewability of an order of the Federal Communications Commission depends upon the statutory scheme of judicial review embodied in § 402 of the Communications Act of 1934. Therefore, even if the regulations could be deemed to possess the essential attributes of a reviewable order, it would not inevitably follow that the order is reviewable in the manner provided for by § 402(a) of the Act. The scope and historical background of the provisions for judicial review contained in the Communications Act of 1934 have too recently been canvassed, see *Scripps-Howard Radio, Inc. v. Federal Communications Commission*, — U. S. —; *Federal Communications Commission v. Columbia Broadcasting System*, 311 U. S. 132; *Federal Communications Commission v. Pottsville Broadcasting Co.*, 309 U. S. 134, to require detailed consideration here.

Briefly, the Act created two avenues by which orders of the Federal Communications Commission were open to review by the federal courts. Under § 402(a), incorporating the provisions of the Urgent Deficiencies Act of Oct. 22, 1913, 38 Stat. 208, 219, relating to judicial review of orders of the Interstate Commerce Commission, a suit to enforce, set aside, annul, or suspend an order of the Federal Communications Commission may be brought in a specially constituted district court, with a right of direct appeal to this Court, only if the order does not fall within the exceptions enumerated by § 402(b), namely, orders granting or denying applications for station licenses or construction permits and for renewal or modification of licenses. Review of the orders comprehended within § 402(b) is available only through an appeal to the Court of Appeals for the District of Columbia, with no right of direct appeal to this Court.

Different Court and Procedure Substituted

If the regulations do constitute an order, what kind of an order can it be? It must be in the nature of a blanket denial, operating *in future*, to be sure, of applications for renewal of station licenses. But the Act expressly precludes judicial review of orders denying renewal applications of licensees in any manner other than that prescribed by § 402(b), to wit, by an appeal to the Court of Appeals for the District of Columbia.

As the court below held, the effect

WHOSE 'REMEMBER'

War Slogan Origination Claimed for WSYR

CONTROVERSIAL question of just who did originate the slogan, "Remember Pearl Harbor", is again revived in a letter to the editor of the *Syracuse Herald-Journal*. The writer, whose signature appears only as Vox Pop, questioned the claim of a Pacific Coast newspaper as originator, claiming that E. R. Vadeboncoeur while broadcasting the Jap attack flash on WSYR, Syracuse, first used the expression.

The letter after disputing a previous news story crediting the Coast newspaper with the slogan, stated: "I am positive that I first heard the phrase earlier than it could have been printed on the Pacific Coast. It was first used in a broadcast at 3:45 p.m. on Dec. 7 not quite an hour and 20 minutes after the White House announced the bombing at 2:28 p.m. The speaker was E. R. Vadeboncoeur of the Syracuse radio station WSYR."

In proof the anonymous writer submitted a carbon copy of the broadcast which he had obtained from the station. It read, "Enough of the debating and pussyfooting. The watchword for America today is 'Remember Pearl Harbor'."

The editor of the *Herald-Journal* in a footnote admitted that the evidence submitted did seem to establish a priority for WSYR.

[3] To the same effect is United States v. Illinois Cent. R. R. Co., 244 U. S. 82. There the Interstate Commerce Commission issued an order fixing the time and place for hearing complaints made by various coal companies seeking damages against railroads for failing to supply a sufficient number of coal cars for their shipping needs. The railroads brought suit under the Urgent Deficiencies Act to annul this order, alleging that unless the hearing were restrained, the railroads would be put to enormous expense and inconvenience. The Court held that the notice of hearing "had no characteristics of an order, affirmative or negative", and since it "was a mere incident in the proceeding", the suit could not be entertained. 244 U. S. at 89.

GANTIC KEY presented to E. R. Borroff (seated), executive vice-president of the BLUE-Chicago, marks his move into offices on the 19th floor of the Merchandise Mart, placing the entire Central Division on the same floor and separate from NBC on floor 20. M. R. Schoenfeld, sales manager, makes the presentation. Others are (l to r): Olive McCann, secretary; J. L. Stirton, program manager; R. S. Peterson.

aking jurisdiction in these cases is substitute a different court and a ferent procedure for those specified Congress. This Court has not in past displayed such an indifference the particularities of legislation de-ing the jurisdiction of the lower eral courts. On the contrary, only Term did the Court insist upon ict compliance with the statutory eme for judicial review established the Communications Act of 1934. *Federal Communications Commis-n v. Columbia Broadcasting Sys-m*, 311 U. S. 132.

Even if we were free to disregard the eme for judicial review which Con-ss has established, I could not e that an appeal under § 402(b) uld not be an adequate means for ing the claims made in the present ation. There is essentially only one ue on the merits in this proceeding, ely, whether the adoption by the mmission of the policies expressed the regulations transgresses its tutory and constitutional authority. t this issue could be raised and ly determined in an appeal under 402(b) from an order denying a ewal application.

Indeed, in its Minute of Oct. 31, 41, the Commission explicitly stated t the validity of the regulations uld be put in issue in a renewal pro-eding. If anything, therefore, the ues in an appeal under § 402(b) uld be broader and not narrower an the issues here. Moreover, since reasonableness of the application the regulations to the particular uation would also be in issue in the ewal proceeding, the reviewing court uld have before it a record contain-g elements of concreteness and par-ularity not present in the record re before us.

Licensee Under No Compulsion

The Commission's Minute enables a ensee to contest the validity of the ulations, or the reasonableness of lying them to the particular case, hout fear of losing its license. "In er to insure that the station may ain on the air and be in no way ured by any such Commission pro-eding [contesting the validity of the ulations] and appeal to court from decision in such proceeding, the mmission will grant such licensee a porary extension of its license, with ewals from time to time until there been a final determination of the es raised at such hearing.

"In the event of such litigation, and the validity of the application of Chain Broadcasting Regulations to h licensee is sustained by the courts, e Commission will nevertheless grant a regular license to the licensee, otherwise entitled thereto, who has unsuccessfully litigated that issue, if the licensee thereupon conforms to the decision."

Plainly, therefore, a licensee is under no compulsion to cancel or modify its affiliation contract. Licensees who regard the regulations as invalid are free to continue their existing contracts and at the same time challenge the regulations in the orderly manner provided by the Act—and without any danger of losing their right to continue broadcasting. Similarly, the interests of the networks may be protected through intervention in renewal proceedings. Under the Commission's procedure, Rule 1.102 of the Rules of Practice and Procedure, where a renewal application is designated for hearing because of the licensee's contractual arrangements with others, the latter are customarily permitted to intervene. See, for example, Application of E. J. Regan and F. Arthur Bostwick, Docket No. 5788; Application of John H. Stenger, Jr., Docket No. 5430; Application of Ocala Broadcasting Co., Docket No. 6000; Application of Panama City Broadcasting Co., Docket No. 6001.

We need go no farther than this litigation to perceive the unfortunate effects of premature judicial review. The chain broadcasting regulations were issued on May 2, 1941, more than a year ago. They were adopted by the Commission as a consequence of its finding, after an investigation lasting more than three years, that certain features of network-affiliation contracts prevented licensees from effectively discharging their obligation to render the fullest service to the listening public.

The policy formulated by the Commission may or may not be wise—that is not our concern. But we cannot blink the fact that this litigation has for more than a year prevented the Commission from testing by experience the practical wisdom of a policy found by it to be required by the public interest. The commencement of a proceeding under § 402(b) would not have presented the jurisdictional problems present in this proceeding.

Surely those desirous of a speedy adjudication of the issue of the validity of the regulations were aware that the commencement of a proceeding under § 402(a) would not produce a prompt adjudication on the merits, but that it would instead result in postponing for a considerable period the effective date of the regulations, with all the contingent advantages afforded by such postponement.

Courts Not the Only Guardians of People

Hardship there may well come through action of an administrative agency. But to slide from recognition of a hardship to assertion of jurisdiction is once more to assume that only the courts are the guardians of the rights and liberties of the people. In denying that it had power to review the action of the Federal Communications Commission because that body had not yet determined a legal right, the court below, as Judge Learned Hand's opinion abundantly proves, was not respecting a rule of etiquette.

On the contrary, it merely recognized that the Federal courts are entrusted with the correction of administrative errors or wrongdoing only to the extent of Congressional authorization. To say that the courts should reject the doctrine of administrative finality and take jurisdiction whenever action of an administrative agency may seriously affect substantial business interests, regardless of how intermediate or incomplete the action may be, is, in effect, to imply that the protection of legal interests is entrusted solely to the courts. The unbroken current of this Court's decisions in construing the scope of judicial review under the Urgent Deficiencies Act, and which is the only warrant for jurisdiction in this case, repels such a contention. The decision should therefore be affirmed.

Mr. Justice REED and Mr. Justice DOUGLAS join in this dissent.

Summer Insomnia

WITH hot weather and open windows back again, WWL, New Orleans, each night at 10:15 makes this request: "Ladies and gentlemen we hope that you are enjoying and will continue to enjoy WWL's programs. Perhaps your neighbors, though, are endeavoring to get some sleep. Will you kindly turn down your dial just a little, then. Thank you."

Three Publishing Firms Grant Thesaurus Rights

PURSUING its policy of negotiating individual contracts with various ASCAP publishers for the right to record their music for its Thesaurus transcription library service, NBC's radio recording division has recently concluded contracts with Chappell & Co., T. B. Harms, Crawford Music Corp. and Carl Fischer Inc., it was learned last week.

Details of the contracts were not divulged, but it is understood that they resemble the deal made with the Warner Bros. music houses—Harms Inc., Remick Music Corp. and M. Witmark & Sons—first of NBC's individual deals for recording rights [BROADCASTING, Feb. 9].

At that time Lloyd Egner, NBC vice-president in charge of the radio division, stated that the generally unsatisfactory terms offered by Harry Fox, agent and trustee for most of the ASCAP publishers, had made these separate contracts necessary.

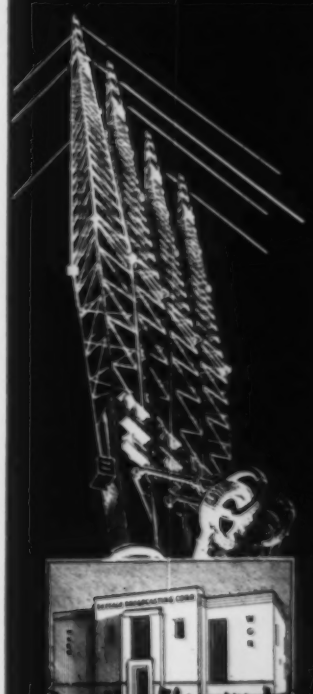
These contracts eliminate the extra charges of 25 or 50 cents for each sponsored use of each selection and are also long-term contracts in place of the six-month or annual contracts obtainable from Mr. Fox, it was stated.

Buffalo's FIRST for Regional COVERAGE

5000 Watts by Day
1000 Watts Directionally Intensified by Night

WGR

BASIC MUTUAL NETWORK STATION



New $350,000 Transmitter Plant

BUFFALO BROADCASTING CORPORATION

365,000 people make the Youngstown metropolitan district the third largest in Ohio.

WFMJ

Has more listeners in this rich market than any other station.

Headley-Reed Co.
National Representatives

WBNX
5000 Watts

THE MOST INTIMATE AND EFFECTIVE SALES APPROACH TO AMERICA'S LARGEST MARKET.

New York City

FOR OFFENSE • FOR DEFENSE
BUY U.S. BONDS TODAY

MORE COVERAGE per DOLLAR in the RICH TRI-CITY MARKET

WTRY
1000W TROY, N. Y. 980KC
Basic N B C Blue
An H. C. Wilder Station
Represented by Raymer

KSTP
50,000 WATTS
CLEAR CHANNEL
Exclusive NBC Outlet
MINNEAPOLIS • SAINT PAUL
Represented Nationally by Edw. Petry Co.

It Happened
TEN YEARS AGO THIS MONTH

From the 1932 files of BROADCASTING

A REPORT that unequivocally favors commercial broadcasting, without further governmental interference, was submitted to the Senate June 9 by the Federal Radio Commission, in compliance with the Couzens-Dill resolution adopted last January. The 325-page volume, exclusive of exhibits, is based on a six-month investigation of all phases of the broadcasting industry, with particular stress on advertising. The report stated that actual investments in 571 stations and the major networks, as of Dec. 31, 1941, totaled approximately 48 million dollars; during the same year gross receipts of these stations amounted to $77,758,048 and gross expenditures to $77,995,405.

•

REVERSING the lower court, the Supreme Court of Nebraska in an opinion June 10 held the owner of a station may be adjudged liable for defamatory utterances of persons broadcasting over the station. It remanded to the lower court the case of C. A. Sorenson, Attorney General of Nebraska, against Richard F. Wood and KFAB, Lincoln, in which Sorenson sued for damages for alleged libelous statements made by Wood over KFAB. The case will be appealed to the Supreme Court under auspices of the NAB.

•

COINCIDENT with the troubles the broadcasters are facing over copyrighted music, a situation has developed in the electrical transcription field that is causing anxiety among producers, agencies and sponsors. It arises out of the demand of the Music Publishers Protective Assn. for a fee of 25 cents per composition of each station carrying transcriptions containing its copyrighted numbers.

•

USING 500,000 watts, the world's most powerful broadcasting station will take the air within a year under authority granted June 7 by the Federal Radio Commission to Crosley Radio Corp. The new WLW will operate on the 700 kc. clear channel, and its mast antenna system, designed by Joseph A. Chambers, chief engineer, will cost $100,000.

•

POSSIBLE solution of the 1020 kc. channel controversy which for five years has been a constant source of trouble, is seen in the request of KYW, occupant of that clear channel, for authority to remove from Chicago, in the fourth zone, to Philadelphia, in the second zone. The wave, under the 1928 allocation, was designated as one of the second zone's eight clear channels but was "loaned" to the fourth zone for use by KYW.

•

TRANSFERS of KPO, San Francisco, to NBC, and of WJSV, Alexandria, Va., to CBS, were approved June 10 by the Radio Commission following hearings in which the question of network ownership and operation of stations was considered. The Commission found in both cases that the voluntary assignment of licenses would be in the public interest.

•

HENRY FIELD, seed merchant of Shenandoah, Ia., and operator of KFNF, in the Republican primaries June 6 defeated Senator Smith W. Brookhart by a decisive margin. He will oppose Louis Murphy, Democratic nominee, in the fall elections. Dr. Frank W. Elliott, former president of the NAB and former manager of WHO-WOC, Des Moines-Davenport, won the Republican nomination for Congress for the Davenport area in the June 7 primaries. He ran as a wet.

BROADCASTERS won their fight in Congress against the imposition of a 5% line tax on all leased wires used for broadcasting purposes. As finally adopted, the Federal revenue bill imposes no such tax.

•

LORD & THOMAS and Logan reverts to its original name, Lord & Thomas effective July 1, it is announced by Albert D. Lasker, chairman of the board of the agency.

•

THE AMERICAN plan of broadcasting will be introduced to Europe during July when a new 200,000 watt station, operating on the 240 kc. channel, goes into service in the Grand Duchy of Luxemburg.

•

OLE OLSEN and Chick Johnson, vaudeville comedians, have signed with NBC and RKO and will open their radio engagement July 7 on Rudy Vallee's *Fleischmann Hour*.

•

NORMAN T. BAKER, former operator of KTNT, Muscatine, Ia., is planning a 150,000-watt station at Nuevo Laredo, opposite Laredo Tex., to be known as XENT. It will be used, he stated, in his campaign for the governorship of Iowa.

•

SCOTT HOWE BOWEN Inc., New York, and John Shepard 3d, president of Shepard Broadcasting Service, Boston, have concluded an agreement whereby the former will represent the Yankee Network and its 10 affiliated stations exclusively in the national field for two years, effective June 1.

•

VOLUNTARY assignment of the license of WLBW, Oil City, Pa., to a new company headed by Eugene V. Cogley, assistant managing director of the NAB and former assistant engineer of the Radio Commission, and its removal to Erie, Pa., were authorized by the Commission June 3.

•

WILLIAM S. PALEY president of CBS, is expected back in New York about July 1 from his honeymoon trip to Hawaii.

•

W. Walter Tison, director of WFLA-WSUN, Clearwater, Fla., was married this month to Miss Exa Jones, former school teacher of Clanton, Ala.

•

W. O. PAPE, former manager of WODX, Mobile, on July 1 will assume the management of WAPI, Birmingham, state-owned station until recently operated for three state educational institutions and now operating commercially.

•

RAYMOND PAIGE, music director of KHJ, Los Angeles, has announced his engagement to Mary Catherine Hoffman, known over the air as Mary York.

•

HARRISON HOLLIWAY, manager of KFRC, San Francisco, is passing out cigars honoring the birth of a second son, named Kingan.

•

FRANK E. MULLEN, NBC director of agriculture at Chicago, has been appointed a national director of the Izaak Walton League of America.

Gulf Shortwaves Show

GULF OIL Corp., Pittsburgh, has started shortwaving its CBS show, *We the People* to American troops abroad Tues., 6:45-7:15 a.m. Young & Rubicam, New York, handles the account.

"The rationing of gas may make it impossible for us to go to the movies any more."
"Well, I hope they'll at least let us buy new tubes for this old radio so that we can keep track of the rationing."

New York Daily News

NOTHING BUT BONDS
Radio to Be Active in Aiding July 1 Project

RETAIL SALES will be halted for 15 minutes at noon July 1 by every retail store in the country as the opening gun in the *Retailers for Victory* campaign to raise a billion dollars through the sale of war stamps and bonds, according to Benjamin H. Namm, honorary chairman of the drive. At a meeting of retailer representatives in Washington May 25 he explained further that all retailers will try to have stamp and bond sales constitute 4% of the retail sales for July.

During the 15-minute period July 1 only stamps and bonds will be sold and the Governors of the 48 states are expected to address their constituents by radio on the drive while stores in each state will tune all radios to their words. To aid the drive in attaining its goal, one unified theme is being developed and all media will cooperate with the campaign.

Already many prominent coast-to-coast programs have promised to plug the drive on the air; most of the country's leading magazines will develop their cover theme to tie in with the drive. Retailers the country over will buy space in newspapers to promote the campaign copy prepared by the promotion committee.

Campaign chairman for the drive is G. Ray Schaeffer, Marshall Field Co., Chicago. Assisting as members of the promotion committee are: Willard Campbell, G. Fox, Hartford, Conn.; Lee Casey, J. Walter Thompson Co., New York; L. S. Janes, Sears, Roebuck, Chicago; Bert Johnson, Kroger's, Cincinnati; Robert J. Marmon, Higbee, Cleveland; Bert Sarazen, Hecht Co., Washington; Alan A. Wells, Kaufman's, Pittsburgh.

NEW TIME for *Report to the Nation* on CBS will be Wednesday, 10:30-11 p.m., starting June 10. Program has been heard Tuesday, 9:30-10 p.m.

Running Account of House Hearings on Sanders Bill

McCosker Supports Chain Monopoly Rules

Mr. McCosker as the first witness for MBS, was permitted to complete the reading of his 30-page statement before questioning by Committee members. The cross-examination developed into the most intensive directed toward any witness thus far.

Mr. McCosker devoted most of his statement to the chain-monopoly rules and to MBS support of them He stoutly defended the FCC position and warned that free competition in network broadcasting would end if the regulation or their substantial equivalent are not placed in effect.

During most of Mr. McCosker's direct testimony at the morning session 16 of the Committee's 25 members were present—the biggest turnout yet. His testimony was followed with avid interest, since he was the first witness to appear in "opposition" to the Sanders Bill.

Appearing both as chairman of the MBS board and as president of WOR, Mr. McCosker traced the history of MBS' development, along with that of radio regulation. He explained that he would make a general statement as to MBS' position on the bill and that General Manager Weber would discuss business aspects in greater detail, while Mr. Caldwell would cover legal phases.

Pointing out the basic differences between MBS, as a cooperative company, and NBC and CBS, as straight business entities, Mr McCosker said Mutual is not and never has been a closed corporation. As against two stockholders in 1934, it now has eight actual and three prospective stockholders, of whom two are "certain to become part of the organization within the year", and the third has an option to do so.

Tells of War Effort Conducted by MBS

MBS is not operated for profit and owns no stations, he declared. He pointed out that the network had grown from zero to $4,700,000 in total time sales for network programs last year, after agency commissions. Whatever revenue remains after expenses of operation goes to stations, he said.

Mr. McCosker asked the Committee not to be "misled" by the figures and charts which had been presented by NBC and CBS witnesses and which he said gave a "flattering but highly exaggerated notion of Mutual's growth and size". When the networks are compared simply in terms of number of affiliates, overlooking mention of relative desirability of stations, power coverage and location he said it was very much as if "you compared the wealth of four men according to the number of bills each has in his pocketbook without looking at the denomination of the bills.

Similarly when revenue is compared simply by percentage of increase over a certain period of years according to some arbitrary base he declared, the network that started from scratch in the middle of the period is made to look like a skyrocket when it really is nothing of the sort. In this connection, he pointed out that MBS had total times sales of $3,600,000 in 1940, as compared to $41,700,000 for NBC (both networks) and $35,600,000 for CBS.

To offset testimony of the competitive networks, Mr. McCosker described MBS operation and dwelt upon sustaining program service. He said he believed that MBS broadcast more hours per week of programs devoted to the war effort than any other networks, and that it intended to keep the lead in that respect.

MBS sustaining program service differs from that of its competitors in that they are not produced by Mutual as a corporate entity, but by shareholders and affiliated stations. The actual annual cost of producing such programs in terms of talent and material alone is about $1,500,000 he said, asserting this figure compared favorably with NBC's figure "for its two networks". He quoted Niles Trammell, NBC president, as having said in December 1941 that the two networks spent more than $3,000,000 for sustainings.

Method of Fixing Station Rates Discussed

"CBS has never revealed what it really spends on sustaining programs," Mr. McCosker declared. But he alluded to the testimony of CBS President Paley before the same committee that $5,000,000 is spent. He commented, however, that this figure included arbitrary allocation of CBS overhead administrative expenses, wire-line rentals "and what not".

Mr. McCosker also described the fundamental difference between MBS and the older networks' method of establishing station rates. MBS does not fix the rates to be charged by advertisers for the use of each station on the network, he said, but simply uses the sum total of the rates of the stations used minus certain volume discounts. Because of this system, MBS on the whole "pays its affiliates a larger proportion of the advertising revenue for the use of their stations than is paid by either NBC or Columbia," he said.

"If it had not been for this basis of compensation, coupled with the greater independence, responsibility and voice in network operation afforded to affiliate stations by the Mutual system, it is not too much to say that Mutual would not have survived the handicaps it has had to face," Mr. McCosker asserted.

"It offered advantages that its competitors did not offer. Although its total volume of revenue is much smaller, these advantages have been sufficiently real to persuade enough stations to become and remain affiliates so that the network has been able to live, particularly with the ever-present hope we have had for the past four years that relief against the handicaps was in sight. It is also not too much to say that, if it were not for the example set by Mutual, NBC and Columbia would now be paying a smaller share of the advertising revenue than they are doing."

MBS Not Injured By Rules, He Says

Taking up directly the FCC chain-monopoly regulations, Mr. McCosker said MBS now is operating in conformity with the Commission's regulations—"the same regulations that you have heard so vehemently condemned and criticized during these hearings—the regulations that would destroy freedom of the air, disrupt network broadcasting, make network sustaining program service impossible, and all the rest."

He said that MBS has not suffered the "slightest inconvenience or injury or loss of business" through adherence to the rules, including the option time provisions and abandonment of the exclusivity clause. He said that in fact MBS had "not noticed any difference".

"The lack of option time creates no difficulty that cannot be overcome with a little enterprise and liberal use of airmail and the telegraph and telephone," the MBS chairman continued. "The difficulty comes when your competitors have option time and you do not, and when they use option time, not simply for its legitimate purpose of clearing the track against local programs in different cities, but also as a weapon to prevent and eliminate competition by other networks. The Commission's Regulation No. 4, in its present form, draws the line just where it should be drawn, between this legitimate purpose and the unlawful purpose of monopoly and unfair competition."

Discussing MBS' position on the Sanders Bill, Mr. McCosker said

NO BLACKOUT

In

Charlotte's Listening Habits!

NO SIR—

WSOC Keeps 'Em Listening

This audience preference in the Charlotte market assures you that your message will reach people who can buy your product!

and . . .

The popularity of NBC RED PLUS WSOC SHOWMANSHIP is adding listeners daily in bonus coverage.

WSOC

CHARLOTTE, N. C.

NBC • RED

National Representative

Headley-Reed Co.

New York - Detroit - Chicago - Atlanta - San Francisco

his network is not taking any position beyond expressing the hope that "no legislation will be passed which will unduly hamstring the Commission in its regulation of radio, or that will impair its efficiency, or that will cause unnecessary delays". He said Mr. Caldwell would cover legal aspects and oppose certain aspects of the bill which "will lead to worse evils than those they are designed to prevent".

Declares FCC Has Been Too Patient

The complaint, he contended, is that certain people don't like the Commission's decision resulting from its investigations and that they are "afraid that the courts will uphold what the Commission has done". He charged that that is the reason "they have come to Congress to try to get the law changed, first to the Senate Committee on Interstate Commerce a year ago, and, having failed there, they now come to this committee. I do not think they are really very much interested in the technical procedural parts of this bill."

Mr. McCosker stated that through all the hearings covering the network investigation, newspaper ownership, regulations on television and FM, which have occupied the Commission's time during the past three years or so, no one can justly say there has been any lack of full, fair and patient hearing. It can more fairly be said, he declared, that "the Commission has been too patient and too slow". Apropos the network investigation, which was ordered over four years ago, he said no misstatement of fact has been alleged.

Mr. McCosker, after tracing the four years of history on the chain-monopoly rules and pointing out that the case now has been sent to the New York Federal Court by the Supreme Court for hearing on the merits, asserted that the same facts and questions of law are being argued before the House Committee "with the end not yet in sight." He alluded to "two powerful and wealthy corporations" which have been able to find "so many loopholes through which to defeat or nullify a just decision all these years".

TRY THIS ON YOUR OIDA, suggested Xavier Cugat when he demonstrated, for edification of agency and network executives, percussion instruments used by his band during the weekly half-hour *Rhumba Revue*, sponsored by R. J. Reynolds Tobacco Co., (Camels) on BLUE stations. While Cugat does his "scratching", looking on with anticipation are (l to r): Margo, singer featured with the band; Wm. Moore, Hollywood manager of Wm. Esty Co., agency servicing the account; Helen Phillips, agency producer; Myron Dutton, BLUE production director.

Stating flatly that Mutual's primary interest is in having the Commission's regulation go into effect, Mr. McCosker reiterated that his network opposes any legislation that would cause further delay and that would "deprive the Commission of its power to adopt such regulations, or that would cast any doubt on that power".

Says FCC Would Be Deprived of Powers

Launching an attack upon Section 7 of the Sanders Bill, which Mr. Sanders afterward disclosed he had written, whereas other provisions had been drafted by the Federal Communications Bar Assn., Mr. McCosker said that while this section is "innocent enough in appearance and purports merely to require the Commission to study certain proposals and to report its recommendations to Congress, together with its reasons, it is very cleverly worded and, by implication, actually would take away such powers as the Commission now has over the subject matter of the network regulations."

He said Section 6 would radically cut the Commission's powers over transfer of licenses and deprive it of one of its legal points in the proceedings now pending in court.

The third amendment, proposed by NAB to deny the Commission "any control of the business management of the station or control of the policies of the station or of the station licensee," has as its purpose to deprive the Commission of such power as it has exercised in adopting the network regulations. He called this a "somewhat unholy alliance", describing it as an attempt to couple the matter of network affiliation contracts and the question of monopoly with the cause of freedom of speech.

Sees Commission Deprived of Power

Mr. McCosker opposed the proposal in Section 7 having to do with licensing of networks. Originally projected by Mr. Paley, he said he could not understand why anyone should be for it, particularly a network organization. He observed he had been "gratified to watch Mr. Paley weaken in his advocacy of so drastic and dangerous an innovation," adding that it seemed to him that to license networks is to invite the very sort of governmental interference that NBC and Columbia profess to fear, control over programs and control over rates "in other words, censorship and common carrier regulation."

The first, third and fourth proposals in Section 7, Mr. McCosker held, would deprive the Commission of whatever power it now has over the subject matter of network regulations. He said this very question is before the district court in New York, by virtue of the Supreme Court decision of June 1, and should be decided in the traditional American way, by appeal to the courts from a Commission decision.

Explains Resignation Of WOR From NAB

Advocating the judicial procedure, Mr. McCosker said that it seemed to him that if there are to be any recommendations as to legislation, they should come from the persons and groups that urge it and they (the competitive networks) "should not hide behind vague proposals for further study and further reports when, as they well know, the principal consequence will be long additional delays and expense."

Mr. McCosker explained WOR had resigned from the NAB in May, 1941, as had other members of MBS, because President Miller, purporting to speak on behalf of the industry inclusively, was engaged in "public denunciation of the Commission and its report". It hardly seemed logical to WOR, he said, that by continuing as members and by payment of very substantial dues "we should appear to support these attacks". He said that Mr. Miller had appeared before the Committee, in support of the bill, including the sections opposed by MBS and added, "I am sure it is clear that in doing so he is not speaking for the entire industry."

Says Network Competition Is at Stake

Concluding his prepared statement, Mr. McCosker said he was not exaggerating in observing that competition in network broadcasting is at stake. If the regulations are not put into effect, and if for the first time in years free competition in network operation is not made possible, "Mutual will not survive and it is not reasonable to expect that any other group will attempt to project or operate a national network.

"If Mutual, after a try of over seven years, cannot firmly establish itself, with all the advantages which it offers to affiliate stations that I have enumerated, no one outside of an insane asylum would try it again. The man who would try it would need a guardian more than he would need a wavelength."

Mr. McCosker said he was concerned that the Committee "will undermine the Commission and deprive it of the willingness and the courage again to deal constructively with important and controversial issues." Asserting that Congress set up the FCC as an expert body to perform these very tasks, he said the Commission held an "eminently fair and exhaustive investigation" in the network field.

"If, after all this, the Commission is to be subjected to a barrage of personal charges, misleading generalities and unfounded criticism, how can you expect it to tackle the next job in the way you would want it to?" he asked. "I am sure that the members of this Committee will agree that they would not want the Commission, in deciding every issue before it, to

ase continuously, wondering how e members of Congress would in-ividually feel about deciding the se this way or that."

He expressed hope the time uld come that MBS, criticized as has been for support of the regu-tions, "will be credited at least all independently-owned stations d open-minded people—and we pe by all our competitors—with ring demonstrated foresight." e hoped there would develop a re truly American system of oadcasting, not merely in theory, t from every material point of w, including profitable opera-on.

ompetitive Aspects f Industry Discussed

Upon completion of Mr. McCosk-'s prepared statement, committee embers promptly took up the estioning. Rep. McGranery (D-a.) first took up the question of e economic position of MBS in e industry. He handed to the wit-ss a copy of the 1942 BROADCAST-NG *Yearbook* and asked him to rn to page 18, containing break-owns of billings of the major net-orks over the years.

He essayed to show that MBS eadily had shown an increased oportion of gross time sales com-ared to the other networks. Mr. cCosker suggested, however, that r. Weber would be in a far better osition to answer questions relat-g directly to revenues and sales, nd Mr. McGranery agreed to with-old further questioning until the eneral manager testified.

Rep. Hinshaw (R-Cal.) took up tensive cross-examination of the itness covering competitive as-ects, the effect of time options and on-exclusive contracts, and other hases of the chain-monopoly regu-ations.

On the subject of competitive etwork rates, Mr. McCosker said here have been complaints from tations about the manner in which ther networks arbitrarily estab-ish both network and local rates nd in some instances "forced" sta-ions to accept them. Pressed urther for details, Mr. McCosker aid he would prefer to have Mr. Weber cite actual cases, with which e was familiar.

Questioning the MBS head on af-iliations of other network stations ith MBS, by virtue of its pre-erred methods of doing business, Mr. McCosker said he recalled that uring the last three years there ave been "very few" switches, which brought the observation from Mr. Hinshaw that apparently sta-ions were "pretty well satisfied" ith their present affiliations.

On the question of exclusivity, Mr. McCosker said he favored ex-clusive contracts in important cities nd disagreed with the Congress-an that the regulations entirely outlaw time options. He pointed ut that option time is permitted in pecified segments of the day and hat this was accomplished on pe-ition of MBS.

Technical Problem Of Network Hookups

Mr. McCosker disagreed with the proposal to permit regular affiliates for any network in a given city, asserting it would bring loose operation. Going to "the little matter of rates" under free competition, Mr. Hinshaw asked Mr. McCosker how these would be established and how all stations technically could be hooked up to all networks. He responded that the advertiser controls station selection in the final analysis and that on the technical question of hooking up, the telephone company handles that through "jumper" circuit arrangements.

Questioning Mr. McCosker on his opposition to the provision in Section 7, which he said would strip the Commission of control over transfers of stations, Mr. Hinshaw asked if no limitation was placed, should the Commission want a station owner to sell to the lowest of several bidders.

Mr. McCosker raid that "my confidence in the Commission would be a bulwark against that". He added that the Commission makes a practice of investigating thoroughly all applicants for facilities and that the "personal equation" would not enter.

Stating that the FCC really has the "life and death power" over stations, Mr. McCosker asserted, however, that he did not know of any case where the Commission had revoked a station license because of programs or technical violation.

There ensued a lengthy colloquy over the question posed by Mr. Hinshaw as to whether Congress or the courts should spell out the limitation as to Commission powers. Mr. Hinshaw contended the FCC, as a creature of Congress, should be instructed by it whenever it appears that the law is not explicit or clearcut.

"Should the question of the Commission's power be settled by the courts or by the Congress which enacted the law in the first place?", asked Rep. Hinshaw. Mr. McCosker said the whole question of power is before the courts and that Congress should await conclusion of the litigation. If Congress is not satisfied with the court's interpretation of the statute, he felt it should take up the matter of new legislation.

Sanders Concerned Over Section 7

After a further exchange, Mr. Hinshaw observed that he gathered "you have no objection to Congress considering amendment of the Act".

"It would be presumptuous for me to do that," Mr. McCosker said. "I think Congress should have a free hand."

Rep. Youngdahl (R-Minn.), after observing that radio has performed a praiseworthy job of keeping the public informed, suggested the law should be given paramount importance, with competitive aspects secondary. Mr. McCosker agreed.

"Don't you feel that any regulations that would confuse or tear down the service would not help public service?", asked Rep. Youngdahl.

"Yes, if the regulations do that," Mr. McCosker replied.

Expressing his frank concern over the witness' criticism of Section 7, Rep. Sanders took up the examination. He explained that he was the author of Section 7, but that he had no commitments on other aspects of the bill, save for the purpose of holding a hearing on them to get from the public generally their reactions to the necessity of an amended statute.

Mr. McCosker agreed there should be no discrimination between classes of people who hold station licenses, unless one single group reached the point where it might control the medium. On the newspaper-ownership issue, he said the Commission's procedure had been misinterpreted. He held that it was simply studying the subject and had not arrived at any decision.

After extensive cross-examination, Mr. McCosker agreed it was perfectly proper for the committee to invite the FCC to "comment" on the whole question of new legislation and on particular policy matters raised under Section 7.

Fundamental Policy Is Up to Congress

"Do you think we are holding these hearings for the fun of it?", inquired Mr. Sanders. Then he asked whether the witness believed the question of ownership of stations by newspapers should be determined by Congress or the Commission. Mr. McCosker said the Commission already has the power to determine who shall be accorded facilities, but that if there is any basis for a change, because one class may become predominant, he thought that "Congress in the final instance is the controlling voice".

When Rep. Sanders pursued the general line of questioning on whether Congress or the FCC should determine fundamental policy, Mr. McCosker suggested that on these technical and legal questions Mr. Caldwell is "better equipped to respond". Mr. Sanders asserted, however, that "you made the statements and you don't want to answer the questions".

Mr. McCosker said his only effort was to see normal and proper processes followed. The FCC courageously brought out the network rules to correct obviously improper practices, he said, and these "ran afoul of some elements in the industry".

When Rep. Sanders asked for an explanation of the charge that Congress is "undermining the Commission", Mr. McCosker said he was not attempting to take Congress to task but was concerned over the delay entailed in making the rules effective "I disagree only on the delay. I have no authority in the matter. We have waited three or four years now and we are suffering from the delay in the application of these regulations," he said.

Unhampered by analysis of his prepared statement, Mr. McCosker was subjected to penetrating examination of competitive aspects of network broadcasting at the Wednesday afternoon session.

Divisional Setup In FCC Recalled

Rep. Halleck (R-Ind.), prior to questioning Mr. McCosker, observed that the McCosker statement struck him as "possibly a little critical" in that it questioned the propriety of the procedure before the Committee. He pointed out there is pending before the House Rules Committee, of which he is a member, the Cox Resolution for an investigation of the FCC and its administration.

Apropos procedural changes proposed in the Sanders Bill, Rep. Halleck referred to the McCosker statement that some of the people pressing for legislation are not really interested in technical procedural points in the bill. In fairness to Rep. Sanders and to other members of the Committee who have been "intensely interested in these aspects", Rep. Halleck said, the whole matter of administrative law should be gone into extensively. He promised to interrogate Mr. Caldwell in that respect.

As for the proposal to separate the FCC into two autonomous divisions, made in the Sanders Bill, Mr. Halleck asked the witness his specific objections, after pointing

SUBCHASERS AND OIL TO RUN THEM!

Retail sales in Beaumont, Texas, for the year ending March 31, 1941 were $32,142,850.

During the past year this great oil-refining and ship-building center has shown a steady climb in retail sales volume . . . an estimated increase for the year ending March 31, 1942 of $9,900,000 . . . or 30.8%.

These payroll dollars are not staying idle . . . they're being spent - HERE!

So place your spot schedule where it will reach this big payroll.

KFDM FULL TIME 560KC 1000 WATTS

BLUE NETWORK

BEAUMONT

Represented by HOWARD H. WILSON COMPANY

out that he favored a separation of the judicial and prosecuting functions of all administrative agencies. Mr. McCosker said he lived through the period of an FCC divided into separate divisions and he was not entirely in sympathy with such administration. Asked by Mr. Halleck whether he had ever heard that the FCC had exceeded or was threatening to exceed its authority, Mr. McCosker said such criticism had emanated from the major networks on the regulations in question. He agreed with Mr. Halleck that the FCC had already assumed it has the right to issue the regulations and that the whole matter is now in litigation.

Would Operate To Advantage of MBS

Mr. McCosker said he thought the hearings on the Sanders Bill were untimely but not improper. He asserted he had been misunderstood during the morning session as to his contention regarding the propriety of the hearings.

Asked about sentiment on newspaper ownership of stations, Mr. McCosker said he felt no particular type of responsible applicant should be barred because he happens to be in a particular business.

"If the rules become effective, would they operate to the advantage of Mutual?" asked Rep. Halleck.

"Yes, because they would eliminate unfair competition," the witness responded. Mr. Halleck thought it ought to be the primary duty of Government to make its regulations fair to all concerned.

Asked if the present methods of network operation give NBC and CBS an unfair advantage, Mr. McCosker responded affirmatively and added that he felt the Commission rules would supply a "common denominator" for all. Reiterating his previous testimony, Mr. McCosker said he had been misunderstood regarding the whole matter of time options. He said MBS had found it expedient to operate under the rules because business is not "done wholesale" in purchase of network time. Contracts are not signed every day or every week, he said, and the detail involved in clearing time on a network of stations is a constant worry.

Pointing out that NBC and CBS witnesses had testified they could not survive or could not do business as at present if the rules were invoked, Rep. Halleck asked whether MBS thought that the Government should intervene to destroy "the other types of networks".

MBS Faces Problem In Three-Station Cities

Mr. McCosker disagreed that the others would be destroyed, but asserted that in some instances they would have to change their methods. He insisted that option time is permissible under the law and that the Committee had failed to take cognizance of the rules as amended by the FCC.

Asked whether MBS had "complained" that it couldn't get additional outlets, Mr. McCosker said the network had "testified" but had not complained, that under the exclusivity clauses of NBC and CBS it could not get outlets in cities having three stations already contracted to other networks.

He said there was nothing inherently wrong with NBC or CBS operations but that existing procedures work to the disadvantage of MBS or any new network in three-station cities. He agreed that stations generally had not complained about the NBC-CBS contracts because their relationships for the most part with their networks are regarded as embodying valuable franchises they would not like to jeopardize.

Asserting that monopoly exists by virtue of exclusive contracts because "no other networks can get an equal foothold", Mr. McCosker said MBS was not trying to open the door for itself and then "close it sharply behind us". He said that a number of stations have contracted with MBS in spite of affiliations with other networks but others are not "sufficiently valiant or economically able to take that chance."

Alluding to the newspaper-ownership inquiry, Rep. Halleck asked whether he though the Committee had a proper interest in the whole newspaper-ownership question, because of the "threat" of divorcement implicit in the FCC's inquiry. Mr. McCosker said he did not construe it as a "threat" but as an inquiry the FCC was conducting open-mindedly. He agreed with Mr. Halleck there should be no discrimination as to class of ownership when there is no concentration in one particular group, asserting that like in other things where there is moderation there is no evil but where domination occurs, steps should be taken.

'Mutual' Aspects of MBS Are Discussed

Asserting he wished to reconcile the legal approach on newspaper-ownership as opposed to the approach on network-ownership and contractual relations, Mr. Halleck said he would direct these questions to Mr. Caldwell.

Rep. Kennedy (D-N.Y.) sought to ascertain the precise nature of MBS' operation as a "mutual" enterprise, compared to mutual insurance companies, granaries, and other cooperative ventures. He pointed out that in the customary mutual company the profits are distributed among the "clients" whereas as he understood the MBS operation, the stations, rather than the advertisers, shared the benefits of the profits.

Mr. McCosker said he was not familiar with other mutual companies but in the case of his network, the stations themselves shared the profits after all network operating expenses were defrayed.

Rep. McGranery, pursuing the question, contended there was "nothing mutual about your operation" and that "you do it to get more business". He called MBS a "cold business proposition", but Mr. McCosker said it was not cold but "warm because our stations get more money out of it." He pointed out moreover that officers of MBS are not paid and that the operation "develops toward a mutual setup".

Messrs. McGranery and McCosker literally fought it out toe to toe as the Pennsylvanian plied the witness with questions purporting to bring out that MBS was a profit-making organization.

Several times Mr. McCosker punctuated his responses to questions with the observation, "That's your opinion". He suggested to Mr. McGranery that the whole matter was so complex that perhaps it would be wise for him to sit down and discuss it privately. Rep. Youngdahl interjected, however, that the whole Committee would be interested in the explanation.

Mr. McGranery asked about ownership of MBS, and after eliciting the information that the Chicago *Tribune*, R. H. Macy and Don Lee interests each were owners of 25 shares of stock, observed that it "seems to be a pretty formidable outfit". Mr. McCosker, however, commented that no one claims it's a sin to be big and that MBS aspired to become formidable in network broadcasting, and for that reason sought the relief which would accrue from the chain-monopoly regulations.

Mr. McGranery handed the witness a copy of the MBS program release of Dec. 28, 1941, carrying a headline that the network was the leader in broadcasting of sports events and that it had acquired exclusive contracts for championship prize fights, among others.

Asserting he did not "want to let that statement stand because I don't want to be as inconsistent as that," Mr. McCosker said there was a vast distinction between exclusive program contracts and exclusive affiliation contracts.

Network Development Of the Radio Art

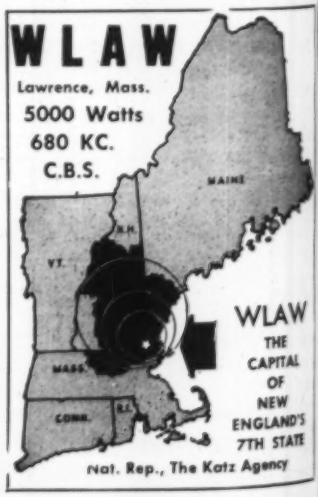
When Mr. McGranery asked if it was not a fact that practically every network affiliated station has been "on the loose at least a couple of times since Mutual has been in business", Mr. McCosker said that contracts may have expired but commitments were such that not many stations changed. He vehemently disagreed with the McGranery contention that MBS had become a formidable competitor as reflected in the increase in its business, pointing out that it is erroneous to reach such a conclusion. As an analogy, he cited that he might have 5 cents today and 10 cents tomorrow, which would represent a 100% increase, but that he would still have only 10 cents.

When Mr. McGranery said it

Stole His Office

VICTIM of car and tire thieves, Al Boyd, production manager of WLS, Chicago, declares his car is more essential than his desk in production of *Meet Your Navy* from Great Lakes Naval Training Station, 40 miles north of Chicago, and other remote broadcasts. The bad news came when Chicago police routed Mr. Boyd from bed at 4:30 a.m. before he knew the car—with tires—was missing.

WCHS
CHARLESTON
W. VA.
5,000
ON 580
CBS

WLAW
Lawrence, Mass.
5000 Watts
680 KC.
C.B.S.


WLAW
THE CAPITAL OF NEW ENGLAND'S 7TH STATE
Nat. Rep., The Katz Agency

WHBF
AFFILIATE OF ROCK ISLAND, ILLINOIS ARGUS
Basic Mutual Network Outlet
FULL TIME 1270 K C
THE 5000 WATT
Voice of the Tri-Cities
ROCK ISLAND • DAVENPORT • MOLINE

pears "you want the law to help us build your business bigger," Mr. McCosker asked that it "not be put that way". He said MBS was not seeking a "ceiling" on competition, to which Mr. McGranery retorted, "you want to put a ceiling limiting the others".

After Mr. McGranery asserted that he held Mr. McCosker's opinions in respect, the MBS executive responded that he also had a "great respect for your views and I must, in addition, abide by them".

Using the press association analogy, Mr. McGranery pointed out that if a newspaper is started in a town, and the major press associations are tied up, that newspaper gets no press service. Mr. McCosker, however, said the analogy was not apt since no one has been willing to start another press service, whereas MBS is willing and anxious to become a full-scale major network operation. He admitted, however, that MBS had "developed pretty good" in spite of obstacles.

Asserting he could not agree that the Commission "should limit the right of any other chains", Mr. McGranery said he thought it would be a mistake to bring them down to your level".

He asked how much money MBS had spent for development of the radio art. Mr. McCosker said all that is done by individual members of MBS, rather than by the network itself. Countering the McGranery statement that NBC and CBS had spent great sums of money for this purpose, Mr. McCosker said there are many "quirks" in comparing "old line" network operations as against a mutual operation.

He said the fact that MBS leads in sports is not in any wise contradictory to the MBS contention on exclusivity. "It is a very different type of contract," he reiterated, one covering an arrangement with an advertiser and the other covering an exclusive contract with an affiliate.

When Mr. McGranery said he thought that "nothing but chaos and confusion would result by leaving these networks absolutely on the loose," Mr. McCosker retorted "that's your opinion".

Weber Calls Rules Practical and Reasonable

Mr. Weber began reading his prepared statement at the Thursday morning session but had completed only 9 pages of the 56-page document, exclusive of exhibits, when Committee members began to pepper him with questions going into the network monopoly rules and competitive aspects. They picked up almost where they left off with Mr. McCosker the preceding day.

Explaining he had been general manager of MBS since 1936 and for the preceding two years had been its coordinator, Mr. Weber said in 1939 he became vice-president and general manager of the American Broadcasting System, " a company which for six months attempted without success to operate a national network".

DUAL DUTIES as engineers at NBC-Chicago and radio instructors in the campaign to train men for service in the war drive bring professorial dignity to the brows of (l to r) W. F. Lanterman, instructor, and E. A. Holm, laboratory assistant, at Northwestern U; P. J. Moore, instructs at Illinois Institute of Technology.

Mr. Weber said his principal purpose in testifying was to discuss the network regulations, "the evils and abuses that made the regulations necessary, and to demonstrate that the regulations are eminently practical and reasonable".

Introducing a series of charts and exhibits, Mr. Weber first broke down industry statistics for 1940 to show that MBS did only a fraction of the total network business and that it had no net income as a cooperative venture, as against the substantial incomes of its competitors.

Via the exhibit route, he sought to show that most of the desirable stations throughout the country are with "the other networks". Of 49 fifty kw. stations, he said, the Red Network has 21; CBS, 20; BLUE, 6; MBS, 2. At the other extreme, in low-power local stations, he said, MBS has 111 as against 34 on the Red; 44 on the BLUE, and 18 on CBS. Moreover, he said that of MBS' 198 stations, 26—all of them in important cities—are subject to contracts with another network, giving the latter network right of way over practically all the station's more desirable hours.

These "so-called option time contracts", he said, are primarily NBC affiliates or those of the BLUE, although in one or two instances they are with CBS. MBS' access to these stations is therefore "on a very secondary and uncertain basis", he said.

Compares Stations By Relative Facilities

Essaying to break down the NBC-BLUE station organization, Mr. Weber said for many years the Red and BLUE had shared the use of a large number of stations on an equal or "first-come, first-served basis. Neither network had option time rights against the other, he said. He added he was greatly mystified by the recently announced change in the BLUE rate card.

"It seems to have dropped all but three or four of these shared stations, whereas the NBC Red Network continues to offer them as part of its network. We know, however, that all these stations are still carrying BLUE Network programs." Then he ventured that the BLUE will continue to have access to all or most of the stations, particularly since the "new BLUE Network company is a 100% subsidiary of RCA, just as is NBC".

Mr. Weber introduced an exhibit showing a comparison of stations comprising the four national networks as to relative rank of facilities. He said NBC, in the "first choice" bracket, in the first 60 markets, had 33; BLUE, 7; CBS, 27; MBS, 7. In the next 80 markets, NBC had 30 first choice; BLUE, 12; CBS, 29; MBS, 8. In all other markets he ranked NBC with 36 first choice; BLUE with 37; CBS 21, and MBS 95.

He recalled to the Committee that NBC in one of its exhibits purported to rank MBS right at the top, along with CBS, in the number of affiliates it has in the first 140 metropolitan areas of the United States. He pointed out that the first 140 areas include all cities with a population in excess of 50,000, and, therefore, include "quite a number of smaller cities which are frequently not taken by the advertiser".

Effect of Coverage By 50-kw. Outlets

He elucidated this by citing absence of NBC and CBS stations in certain cities because of sufficient coverage provided by 50,000-watt stations in adjacent metropolitan areas. If they do not have an affiliate in any particular market, "it is because they do not want it or need it," he said. On the other hand, he cited that MBS "has had to be satisfied, in most cases, with smaller stations, with lower power, that do not have such coverage".

Mr. Weber introduced a series of colored charts depicting a comparison of number and power of stations composing the four national networks, for the country as a whole, for the first 140 markets, the first 60 markets, the next 80 markets and in markets other than the first 140. These tended to show that MBS has a total of only 336.3 kw. aggregate power, as against 1,310.45 kilowatts on the Red; 631.75 on the BLUE, 1,300.07 on CBS.

The MBS column achieves "respectable proportions", he showed, only in markets other than the first 140, where MBS has 66.1 kw. as against 97.85 kilowatts for Red; 121.05 for BLUE, and 55.6 for CBS. The reason MBS does not have better stations in the larger cities and important markets is to be found "in the five-year contracts containing option time and exclusivity provisions, and in the way in which they exploited to prevent the establishment or growth of any new national network," the witness asserted.

The barrage of questioning really got under way when Mr. Weber commented that the Commission regulations were designed to erradicate "the evils and abuses" resulting from these contracts. He said that just as NBC and CBS "are

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In cities . . . villages . . . farms . . . for miles and miles around Pontiac . . . the messages of national, regional and local advertisers are heard over WCAR's 1000 streamlined watts.

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PONTIAC, MICHIGAN

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Arizona BROADCASTING CO. Inc.

PHOENIX, ARIZONA

PAUL H. RAYMER COMPANY

Columbia's Station for the

SOUTHWEST

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KANSAS

Call Any Edward Petry Office

really before you in the capacity of appellants asking that you set aside, or at least delay, the effective date of the Commission's regulations on network broadcasting, Mutual is here defending the Commission's action".

Mr. Weber interjected that the regulations would not affect networks in any way. When he was asked by Rep. Sanders to clarify his position on exclusivity, in the light of MBS exclusive contracts on sports programs, Mr. Weber countered that in such cases exclusivity served the public interest.

Asked by Chairman Lea whether the rules would affect network operation, he said it would have a bearing on relationship with affiliates but not on corporate functioning. He insisted that the rules would permit more competition and disagreed with Rep. Lea's view that they would seriously affect network operation.

Constitutional Issue Brought Out in Questioning

When Rep. Bulwinkle (D-N. C.) asked Mr. Weber what the comparative billings of the various networks had to do with the subject matter of the Sanders Bill, he replied that other network witnesses had been allowed to enter such testimony and he wished to refute their claims.

When Mr. Weber began to discuss the network regulations, Rep. Sanders asked for a copy of the network rules, observing that one point dealing with option clauses needed clarification. He said he could find no precedent for a rule which would "forbid the right of a station owner to sell his station time as he wished, providing the public welfare was not interfered with in any way".

He characterized the option contract ban by the FCC as a "constitutional problem," observing that he was "interested in the fundamental right of any American citizen to sell his property". When Rep. Halleck inquired what specifically the Commission proposed to permit or prohibit in this rule, Mr. Weber said the rule specified that no station can enter into an exclusive contract.

"Do you object to the option time contracts as eminently wrong, or because they affect development of Mutual?", Rep. Halleck asked. The witness replied the contracts were unfair to the development of broadcasting, and that he was not fighting solely for Mutual.

He contended further in replying to Rep. Halleck that the rules would benefit all radio and that MBS as a cooperative organization would not be benefitted more than if it were a private concern. Disagreeing with the Sanders view that the rules would destroy options, Mr. Weber said they would "prevent monopoly" on station time by networks. Mr. Sanders insisted that an option could not be an option unless it was exclusive, but the witness replied that options were still allowed but no "perpetual" options would be permitted.

When Rep. Halleck observed that if options were done away with it would be possible for cooperative station groups to take the "cream" time and limit competition to the detriment of the neworks, Mr. Weber said he did not feel such a condition could result. The public, he insisted, suffers under the option time contracts.

Increase In MBS Billings Discussed

A humorous note was interjected when Rep. Kennedy asked for a definition of "exclusivity," pointing out he could not find it in any dictionary. Rep. Brown (D-O.) commented that it probably was created "by official order".

Rep. McGranery again produced BROADCASTING *Yearbook* and referred to the gross billing breakdowns, repeating questions propounded previously to Mr. McCosker. After citing the rise of MBS billings from $529,000 in 1935 to $7,300,000 in 1941, Rep. McGranery observed that the growth of MBS in time sales as compared with the other networks, tended to show that the network had not been "adversely affected". Conversely, he commented, MBS proportionately has shown greater time sales increases than the other networks.

Asked by Rep. McGranery whether the rules could not be considered as a "double-edged sword" in weaning stations away from other networks, Mr. Weber said he felt the rules would not affect present network affiliations. He further disagreed that the rules seem to be designed to "break up networks", contending that they were not unfair since they gave stations a choice of networks.

"Mr. Weber," interposed the Pennsylvanian, "you are asking this Committee to do something for Mutual that will encourage chicanery and bootlegging of the worst sort."

Alluding to MBS ownership, Mr. McGranery said the Macy-*Tribune*-Don Lee interests had what he described as "control" of the network, pointing out that any two entities could have control by owning 25 shares each of the outstanding 105 shares of stock. Mr. Weber agreed the latter statement was correct.

MBS Option Contracts Are Considered

When Rep. Kennedy drew from the witness the fact that basic rates of the networks were comparatively the same and inquired whether the networks had ever gotten together to "discuss" rates, Mr. Weber replied in the negative.

Rep. McGranery produced MBS advertisements published in a New York trade paper, in which MBS made claims to getting new stations, and asked the witness how he could reconcile this to this statements that the activities of other networks were holding MBS down. Mr. Weber said that in the case of the particular advertisement, which mentioned addition of WCAE, Pittsburgh, and WFBR, Baltimore, as MBS affiliates, the stations had been told by NBC that in the future they would be served by the BLUE instead of the Red. He described the latter's programs as "inferior in quantity and quality" to the Red.

Reverting to stock ownership in MBS Mr. McGranery asked what benefits a stockholder derives, "voice in the management" and nothing more accrues to the stockholder, said the witness. When Rep. McGranery asked what would happen if "Colonel McCormick of the *Chicago Tribune*, Macy, and the Don Lee were to withdraw from MBS," Mr. Weber replied that either other stations would be sought or a new network would be formed.

The crossfire went to net profits of network operations when Rep. Brown said he had heard that the networks other than MBS made "very substantial" returns. Mr. McGranery interjected that depreciation figures on network tangible property would show "enormous losses".

Recalling the Transcontinental Broadcasting System venture launched by Elliott Roosevelt, Mr. McGranery said he understood that MBS had not developed its "exclusivity" contracts until that venture had been launched. Mr. Weber asserted the contracts had been drafted when the Roosevelt attempts were on the wane, and that "no serious attempt" had been made by Mr. Roosevelt to start a network.

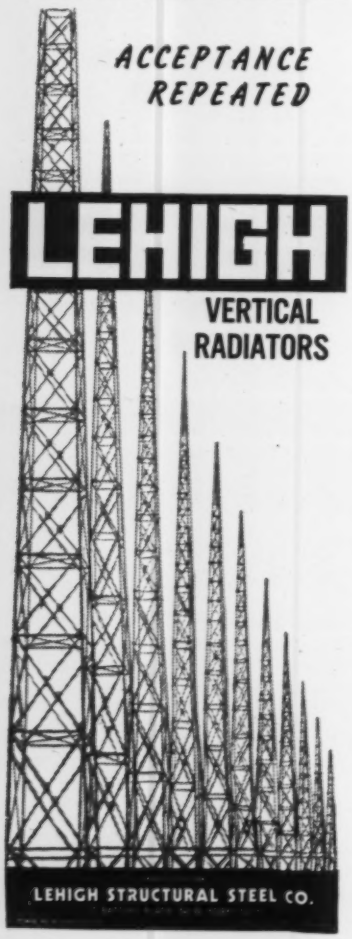
He disclaimed the McGranery charge that the MBS exclusivity contracts were an attempt to "hedge out" the threat of another network.

Mr. McGranery stated it was surprising to learn that MBS, which had taken up the cudgels

MBS Gains 48.6%

MBS billings for May, 1942, totaled $748,745, an increase of 48.6% over May, 1941, when the figure was $503,922. Cumulative total for the first five months of 1942 was $4,669,731, compared with 1941's $2,445,368, representing an increase of 90.96%.

1942 MODEL MOBILE UNIT drawn by plugs is drawing plugs for WCKY, Cincinnati, as crowds watch the reversion to primitive means of transport. That's Al Bland, WCKY production manager, perched on the running board as he interviews spokesmen for the gawking citizenry. In buggy with lady is Charles Topmiller, chief engineer.



Baltimore's Blanket!

WCBM

18 hours a day ... knock on over 200 000 doors! And ... reception is city-wide ... high and handsome.

One of the nation's most fertile markets ... served INTACT to you. Penny for penny—coverage better than any! Write for plentiful proof.

WCBM

The Blue Network

BALTIMORE, MARYLAND

Natl. Rep.—Foreman Co., N.Y. & C...

gainst exclusive option contracts, ould have been "guilty of using e contracts to keep competition y". Mr. Weber insisted, how- , that the contract had been ught out only when the Roose- project was almost disbanded.

eber Not Allowed Finish Statement

Mr. Weber again testified at the day session, but did not com- te reading of his detailed state- ent. Chairman Lea suggested fter he had been on the stand more han four hours that he might sub- it his statement for the record nd subsequently "revise and ex- end" his remarks as desired. Mr. Weber, however, elected to continue eading the statement, on the round that many of the questions n the minds of Committee mem- ers would be answered by it and n the light of statements made by itnesses of competing networks.

The upshot was, after about an- ther hour, with only two or three embers of the Committee present, nd following a conference between Chairman Lea and Counsel Cald- ell, Mr. Weber submited the bal- nce of his prepared statement for he record. He had completed read- ng about 39 pages of his 56-page tatement, but frequently had been nterrupted, primarily by Rep. Hin- haw, who delved deeply into busi- ess aspects of MBS.

Picking up where he had left off n his prepared statement as the earing resumed Friday, Mr. Weber ontinued his stout defense of the egulations and of the FCC and harply criticized the competitive etworks both for their position with respect to the rules and for ompetitive tactics. He character- ed the "misrepresentation" of the egulations as extremely unfair to he FCC.

Mr. Weber analyzed the regula- ions, as revised, one by one. He ought to show that the major net- orks would not be detrimentally ffected to the degree they contend- d, but that free competition would e introduced in network broad- asting benefiting public and in- ustry alike.

Directs Most Criticism At NBC and Blue

He was particularly critical of he operation of two of the four etworks by one concern—NBC and he BLUE under RCA ownership. aying that some of the "worst buses which Mutual and, we be- eve, the public have had to suffer" temmed from this operation, he harged that "these abuses are still ontinuing in just as obnoxious a orm as ever". These related pri- arily to the hold acquired by the CA subsidiaries through option ime and exclusivity, "devices which ere used for all they were worth y NBC, and now by RCA, to ac- omplish its purpose of preventing he inauguration or growth of any ompeting national network".

One of the "mysteries of this earing", Mr. Weber said, is "what as happened to the BLUE Net- work?" He asked why it hadn't been represented in the hearings and said he felt confident that if "it were really separately owned and its officers were free to express opinions, they would almost necessarily be supporting the Commission's regulations".

At great length Mr. Weber outlined what he described as the evils of option time and exclusivity, giving testimony similar to that adduced in the Senate hearings a year ago. The difficulty of MBS in procuring outlets in cities having three or less stations was cited because of existing practices.

He inserted in the record a list of 27 cities in which MBS uses a station "subject to priority rights of another network under option time contracts". There are only 36 cities in the country in which there are enough stations so that each national network can have its own exclusive outlet, he said.

Mr. Weber charged that both NBC and CBS have developed a sort of "ownership psychology" with reference to their affiliated stations and seem to forget that the stations are independently owned.

Claims Blue Outlets Are Not Satisfied

Again lunging at the BLUE, Mr. Weber charged that stations affiliated with that network are "dissatisfied because of the small income and program service received from the BLUE and have wanted to affiliate also with Mutual". These stations are in cities desired by the advertiser, he said.

When Mr. Weber referred to a suggestion that MBS programs could be brought into three-station or less cities through delayed transcription broadcasts, which he described as "really a phonograph record" and as an "artifice", Rep. Halleck interjected to inquire what misrepresentation was involved. He said he could not understand why there should be any "fraud or deception" through a transcription or record broadcast as against live talent.

Mr. Weber said the FCC always has required announcement of recorded broadcasts as such to avoid any misrepresentation and that while quality of transcriptions in some cases may be unusually good, in others they are not as good as live pickups. He added he could not take a strong position either way on transcription versus live talent broadcasts.

Mr. Halleck said he could see no justice whatever for discrimination between the two types of broadcasts unless there was some element having to do with the employment of more people. He said he raised the question only because the witness had observed that there were "sound reasons" why MBS prefers not to use delayed broadcasts.

At this point, Chairman Lea suggested to Mr. Weber that he might file his statement for the record, because of the pressure of other House business and since only two or three members of the Committee were present. Mr. Weber, however, asserted he preferred to continue his prepared statement, since allegations of other witnesses had not been adequately covered. He undertook to speed up his reading, however.

Says Limited Number of Agencies Control Accounts

Describing the manner in which network business is placed, Mr. Weber said practically all national advertising is controlled by a limited number of agencies intimately familiar with the facts and circumstances bearing on network service.

Trade journals regularly report acquisition or loss of business by any network and "frequently speculate on the reasons therefor with a constant influence on the network's prestige." He said no one could charge MBS competitors "with having failed to make the most of the advantages accruing to them from these contracts." He said that "incessantly, persistently and relentlessly" NBC and CBS salesmen and agents have told the story to advertising agencies and advertisers, always with some effect, more often than not "with fatal effect".

Cracking the "philanthropic policy" expressed by the competitive networks, Mr. Weber said they did not adopt some of these policies until they began to make "immense profits". Moreover, he charged that NBC did not hesitate to abandon two of its program policies last fall in order to take network commercials away from MBS. He charged that many millions of dollars have been lost to stations affiliated with MBS because of NBC and CBS contracts. The business lost included not only advertisers who were persuaded to take MBS in the first place but a number of advertisers who have been persuaded or forced to leave MBS, he charged.

Alluding to the network-monopoly litigation, Mr. Weber alleged that the networks have told their affiliates the chain-monopoly regulations will not go into effect in less than two or three years, if at all, and that affiliates may safely enter into "these restrictive contracts". Moreover, salesmen of the networks have told prospects that the delays will be brought about by other proceedings which would be instituted or have been instituted or by other action in Congress.

Discusses Effects of Restrictive Contracts

"These very hearings are being widely represented in the trade press as like to have the effect of delay," he said. Mr. Weber then proceeded to cite "examples of the effect of restrictive contracts". Among these were the Ballantine program which switched from MBS to the BLUE and which he said resulted from the BLUE's option time contracts; the *March of Time* program, which went on the BLUE instead of MBS and now is slated for the Red; the original Kay Kyser's *Lucky Strike* program, which he said began on MBS over three years ago under American Tobacco Co. sponsorship and which switched to the Red; *True or False*, sponsored by J. B. Williams, originally on MBS which went to the BLUE when the option time privilege was exercised, and several other programs.

Representatives of three of the largest agencies handling an important volume of national advertising, Mr. Weber said, have expressly stated to MBS that they would not purchase time for any client during hours covered by option time purchases unless and un-

WPB Order Clarifies Definition of Radio Set

CLARIFYING an earlier WPB order (L-44), which restricted production of domestic radio receivers and phonographs, the WPB last week issued an interpretation which expands the definition of a radio set to include combination radio receivers and transmitters, television receivers, and blackout devices using vacuum tubes.

Furthermore, this interpretation also established that persons who merely assemble or convert sets which have been produced by someone else are not bound by the restrictions of the order. At the WPB it was pointed out that "blackout devices" had to be included in the definition of radio sets since their construction so closely resemble that of a radio set.

DETROIT'S LEADING INDEPENDENT STATION

WJBK

Serving an ever-increasing number of exacting national advertisers . . . because with WJBK they get results.

WJBK

250 WATTS . . . 24 HOURS A DAY

til MBS "can give equal assurance to that which NBC and Columbia are able to give". These experiences, he said, have had an effect on MBS affiliates and the network is in "continuous danger of losing them through this loss of business and consequent loss of prestige."

Rep. Hinshaw agreed that continuity of advertising was desirable. He said it appeared to him the difficulty was in the manner of obtaining that assurance.

Mr. Hinshaw asked if the whole problem didn't resolve itself into a question of whether a sufficient number of stations exist in important cities to accommodate all four networks. He said he assumed the Commission has not been willing to "put other stations in these cities" because of technical limitations. Asserting this was the precise problem, Mr. Weber, however, said that stations were complaining about the present practices and wanted to take MBS programs.

Recalls Rosenbaum Testimony to FCC

He mentioned specifically the testimony of Samuel R. Rosenbaum, president of WFIL, Philadelphia, during the network-monopoly hearing, in which he had stated that WFIL, a regular BLUE outlet, desired the programs of MBS. He said he would produce this testimony for the record, pointing out that Mr. Rosenbaum then spoke as chairman of Independent Radio Network Affiliates (since disbanded) and that he assumed it represented the viewpoint of the majority of affiliated stations.

"Then the whole thing resolves itself into the 'wooing' of stations in these important cities," commented Rep Hinshaw.

Mr. Weber disagreed, holding that as things stand MBS is unable to bargain with affiliated stations on the same basis as the other networks.

Asking the witness point-blank if the question was not one of "getting more advertising" into cities having less than four stations, Mr. Weber said that network service covered sustaining programs, too.

"But you are not excited about providing sustaining service to more affiliates, are you?" inquired the Californian.

"Hardly," said Mr. Weber. "What we want is to see that stations are given the freedom of choice of which they have been deprived in the past."

The Hinshaw-Weber cross-fire got down to a discussion of the degree of FCC control over programs and sales and implications of censorship which might be involved. Mr. Hinshaw contended that after all the question basically was one of competition among the networks on sale of advertising. Mr. Weber contended that he was opposed to regulation of rates because stations would be reduced to common carriers. He said he felt he was representing stations on MBS more so than any other network executive because MBS, as such, makes no profits.

Asking Mr. Weber whether it wasn't a fact that there were "too few eggs in the basket and if there are enough to go around everybody would be satisfied," and failing to receive what he regarded as a responsive answer, Mr. Hinshaw dropped the interrogation at this point, asserting that he couldn't "develop that any further now".

Licensing Procedure Of FCC Discussed

FCC licensing procedure, now limiting stations to two-year tenures before renewal, was questioned by Rep. Hinshaw. He asked whether it would not be advisable to have a 10-year license in lieu of a two-year certificate, or perhaps a perpetual one, conditioned on "good behavior" as is done in the case of appointment of judges.

Mr. Weber, however, took the position that the FCC should have complete control over such situations and that while broadcasters advocated extension of licenses, he had never given any detailed study to this matter or to the subject of transfer or sale of stations. He suggested that these questions be posed to Mr. Caldwell.

Mr. Hinshaw, however, asked for the personal views of the witness since he said these matters embraced operating policy. Mr. Weber persisted that they fell in the legal category and that he would not venture beyond the general view that it had been demonstrated the FCC knows how to handle such matters. He commented further, however, that he thought the FCC should have complete power to see that the public interest is served.

Asked by Rep. Hinshaw whether he did not think that Congress should lay down some rules on qualification of applicants, particularly in connection with transfer cases, Mr. Weber said he had no objection to such rules if they would "prevent current abuses".

"If the *Chicago Tribune* were sold, would you say that the license of the station it owns should come up for renewal immediately?", asked Rep. Hinshaw.

Mr. Weber said he had not considered such a situation and would prefer to have Mr. Caldwell, who had made an intensive study of the whole subject, testify as to it. Mr. Hinshaw observed that if the Commission could say who shall or shall not own stations, it could very effectively exercise a "censorship". For example, a commission operating under a dictatorship could say who could or could not have stations. He agreed with Mr. Weber that nobody expects such a situation to develop, but that it conceivably could as things stand now.

No Realignment Plans Pending, Says Weber

Continuing his prepared statement, Mr. Weber went into what he described as the practical effect of the regulations. He pointed out that NBC and CBS at the outset had argued that exclusive contracts were absolutely vital to the continuance of the American system of broadcasting, "but somehow that position has tended to disappear". He dissected the regulations as they would effect network operation, in his view.

Questioned again by Rep. Hinshaw, Mr. Weber said that if the regulations became effective, MBS would not abandon its present outlets, except for "normal exchanges". He said the network had never had in mind realignment as a result of the rules.

There ensued a discussion of the makeup of MBS, and when Mr. Weber revealed there were a half-dozen regional networks, such as Don Lee, Yankee, Texas State and others that have contracted independently with MBS, Mr. Hinshaw asserted it would be interesting to know whether these "sub-networks" operate on a profit basis or are co-operative, as is MBS. Mr. Weber said he did not know. He said perhaps a third and surely not more than half of MBS' 198 outlets were identified with regional networks.

Asked by Rep. Hinshaw to produce this data, Mr. Weber said he would seek to get the data, but suggested that NBC and CBS also deal with regional networks and that similar data should be procured from them. As to several other requests made by Mr. Hinshaw, Mr. Weber suggested that similar comparative data be procured from the other networks, particularly cost accounting statements as to payments to affiliates of the older networks, as against payments credited to their managed and operated stations.

Rep. Hinshaw also sought to learn whether any or all of these "subnetworks" have option time of the character employed by the major networks. Mr. Weber said that of his own knowledge some of them do, but that it did not have the same practical effect since these networks operate only beyond the hours covered in the major network time options.

Tells of Expenses Caused by Investigations

In the case of MBS, Mr. Weber said it has option time arrangements with its stockholder stations, but reiterated that the network has operated under the proposed FCC rules without serious effect.

Mr. Hinshaw said he was trying to reconcile the statements that MBS is a cooperative network making no profit as against the situation wherein it has stockholder members who are "sub-networks" and who may have option time arrangements. Mr. Weber explained that MBS sells the regional networks at regular rates and did not know how much of that rate they retained for themselves. He said he assumed some of them operated on a cooperative basis and others on a profit basis.

Further, he said that because of special events entailed by the war and expenses incurred by virtue of "legal hearings" growing out of the network rules, there have been extra assessments against stockholder members. He said this was "no complaint but a statement of fact".

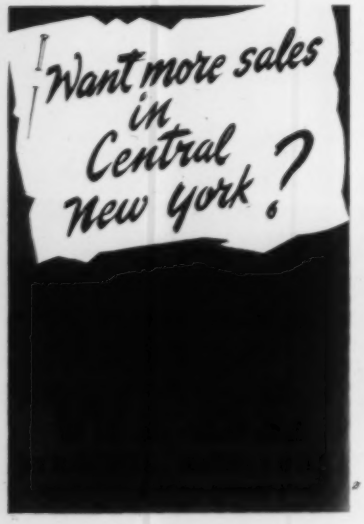
After Mr. Weber had continued a few moments on his statement, and following a huddle between Chairman Lea and Mr. Caldwell, Mr. Weber offered the balance of his statement for the record, without reading. The only other Committee member present was Mr. Hinshaw. The Chairman advised the witness that he could revise and extend his remarks as he saw fit and pointed out that he had been on the stand about 5½ hours.

Discusses Separation Of NBC Networks

Rep. Hinshaw, however, said he wanted to ask another question or two, since the witness was not scheduled to return. He sought to ascertain what proportion of MBS' income went to stockholder stations as against non-stockholder stations. Mr. Weber said that all stations and regional networks get their precise rate cards minus MBS discounts and commissions. The only yardstick is the rate card, he said.

That portion of Mr. Weber's statement placed in the record without reading covered the need for the non-exclusive feature in the Commission's option time regulation and an analysis of the balance of the regulations.

His final chapter was titled "The BLUE Network" and described the separation of the Red and the BLUE, with both networks 100% subsidiaries of RCA.



WILLIE! COME OUT OF THAT MANHOLE!
I CAN'T MOM, THE MEN HAVE A RADIO DOWN HERE AND I'M LISTENING TO
KXOK
ST. LOUIS, MO.
MEN AT WORK
630 KC. 5000 WATTS DAY AND NIGHT ★ BLUE NETWORK

oy Corderman Shifted o COI Technical Post

OY C. CORDERMAN, for the last months with the Office of the ordinator of Inter-American Af- rs (Rockefeller Committee) and e of the coun- y's best known adio amateurs, June 1 was ansferred to the ffice of the Co- dinator of In- rmation (Dono- n Committee) a communica- ons engineer in e technical divi- on headed by urry Brophy, ex-CBS artist bu- au representative on the West oast.

Mr. Corderman

Having completed a survey of e shortwave setup of the Western emisphere for the Rockefeller ommittee, Mr. Corderman will ork as liaison between COI and ternational broadcasting stations d communications companies. For years he has been with AT&T, e last eight as commercial repre- entative in Washington. His "ham" ation, W3ZD, in Chevy Chase, d., suburb of Washington, has any times served as a key outlet r amateur emergency networks d he has long been active in the merican Radio Relay League.

Larson Offered Post

OHN LARSON, of the NBC New ork engineering staff, has been ndered an appointment as engi- eer for the Office of the Coordina- r of Inter-American Affairs Rockefeller Committee), and will obably accept effective June 1. r. Larson would have charge of chnical relations with shortwave tations. His experience includes aveling as engineer with Tosca- ni and the NBC Orchestra dur- g their South American tour last ear.

More Drop Out

THREE MORE stations on June through their attorneys, asked e FCC to dismiss their applica- ons for new facilities due to the eeze order situation [see earlier tory on page 20]. They are: KIRO, Aberdeen, Wash., seeking shift from 1340 kc. to 1520 kc., d power increase from 250 to 000 watts; WDBO, Orlando, Fla., ow operating with 5,000 watts ltime, seeking 10,000 watts day; WDGY, Minneapolis, seeking a ower increase with directional an- nna and changes in equipment d hours of operation. Also opped was the application of rnett Kimzey, of Greenville, Tex., eking a new 250-watt station on 400 kc. in that community.

WBNX, New York, has appointed Wolfe & Co. as its national sales rep- esentative.

Court Review Given Net Rules

(Continued from page 8)

as an immediate problem. Because NBC operates on a block-time basis on options, whereas CBS has what is characterized as a "roving option", CBS regarded the issue as one of life and death.

How far any move to achieve a negotiated settlement will go, is problematical. The sweeping nature of the Supreme Court majority's ruling, it was believed by observers, would make any modification short of dropping of the option time rule altogether still fall within the purview of the opinion. Nevertheless, it was thought likely that there would be conversations, probably initiated by the FCC, looking toward some sort of adjustment to avoid protracted litigation during the war.

Court Acted Quickly

The Supreme Court acted with almost unprecedented celerity in deciding the network cases. It accepted jurisdiction on March 16 and heard arguments on the bills of complaint on April 30 and May 1. The decision came a month later—just prior to the court's recess for the summer.

Charles Evans Hughes Jr., son of the former Chief Justice, argued the case before the Supreme Court for CBS, and John T. Cahill, RCA-NBC chief counsel, presented arguments for that network. The Government case was presented by Telford Taylor, FCC general counsel. It is expected the same attorneys will handle the trial on the merits in the court below.

Chief Justice Stone, in his detailed opinion, brought out that of critical importance in the litigation is the stipulation of the affiliated station that it will, upon not less than 28 days' notice from appellant (CBS), broadcast the sponsored programs furnished it by the network for at least 50 converted hours, averaging 79 regular clock hours, per week. This compares to the FCC proposed requirement of 56 days' notice on option time of not more than three hours within each of four specified segments of the broadcast day.

The majority put little stock in the FCC argument that the minute it had adopted immediately following the appeals, allowing stations to test the valiidty of the regulations without danger of loss of license, mitigated the injury.

Relying on the CBS allegations that even since the adoption of the minute by the FCC, it had continued to receive indications that its affiliates would cancel and repudiate their contracts, the majority said it is evident that the application of the regulations by the Commission "would disrupt appellant's broadcasting system and seriously disorganize its business".

The time option regulation requiring 56 days rather than 28 days notice and specifying that no option is exclusive of other networks, in effect would substitute a system in which every station is available to every network on a "first come, first served basis", said the majority.

Effect of FCC Order

The Commission conceded in its brief that the regulations by their own terms "expose licensees, who renew their affiliation contracts, to revocation proceedings by the Commission whenever upon a statement which the Commission may require it appears that the licensee has entered into an affiliation contract which the regulations proscribe", the court held.

The court held that the order "in its genesis and on its face, and in its practical operation" is an order promulgating regulations "which operate to control such contractual relationships, and it was adopted by the Commission in the avowed exercise of its rule-making power". Beyond that, it held that the regulations are not any the less reviewable because their promulgation did not operate of their own force to deny or cancel a license. It is enough, the court said, that failure to comply with them "penalizes licensees and appellant with whom they contract. If an administrative order has that effect, it is reviewable and it does not cease to be so merely because it is not certain whether the Commission will enforce the penalty incurred under its regulations for non-compliance."

Penalty for Non-Compliance

Declaring that the regulations impose a penalty and sanction for non-compliance "far more drastic than the fines customarily inflicted for breach of reviewable administrative orders," the court said it is common experience that men conform their conduct to regulations by Governmental authority so as to avoid "the unpleasant legal consequences which failure to conform entails". In the CBS case, the court said, "it is alleged without contradiction that numerous affiliated stations have conformed to the regulations to avoid loss of their licenses with consequent injury to appellant."

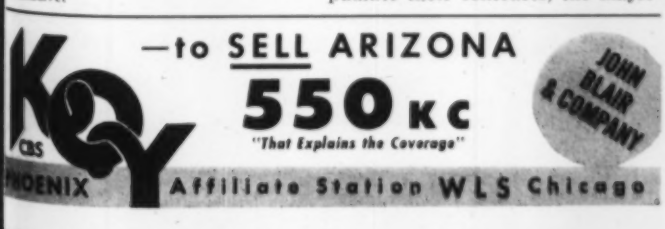
"Such regulations have the force of law before their sanctions are invoked, as well as after. When, as here, they are promulgated by order of the Commission and the expected conformity to them causes injury cognizable by a court of equity, they are appropriately the subject of attack under the provisions of Section 402 (a) and the Urgent Deficiencies Act."

Terms of Command

The court slapped the Commission's contention that the regulations were no more reviewable than a "press release". It said that the regulations were avowedly adopted in the exercise of rule-making power, couched in terms "of command" and accompanied by an announcement that the policy is one "which we will follow in exercising our licensing power". It said that the allegations of the complaint and of the effect of the Commission's order, if sustained upon trial, is enough to "establish the threat of irreparable injury".

Concluding that all the elements "prerequisite to judicial review are present", the majority said the ultimate test of reviewability "is not to be found in an over-refined technique, but in the need of the review to protect from the irreparable injury threatened in the exceptional case by administrative rulings which attach legal consequences to action taken in advance of other hearings and adjudications that may follow, the results of which the regulations purport to control."

"We conclude," said the majority, "that the Commission's promulgation of the regulations is an order reviewable under Section 402 (a) of the Act, and that the bill of complaint states a cause of action in equity. The stay now in



effect will be continued, on terms to be settled by the court below."

In the NBC case, which the majority covered in about 700 words, the court referred to its CBS opinion as encompassing the basic issues. It pointed out that NBC conducts its business substantially in the same manner as CBS, but that its contracts do not require that the stations shall broadcast the programs of no other chain than National.

A feature of the contract is the option given NBC for use of the station on 28 days notice "for certain specified periods of radio time in broadcasting commercial network programs provided by National". It cited that the bill of complaint makes a sufficient showing of irreparable injury to NBC, including an allegation that 48 affiliated stations have served notice of abrogation of the contracts.

Effect of Minute

The court said that for reasons stated at length in the CBS opinion, it holds that the order of the Commission "is reviewable in the present suit by the district court of three judges." It ordered the judgment reversed and the cause remanded for further proceedings.

Unlike the CBS case, the court said the record discloses no facts showing what effect the Commission's minute, adopted after the present suit was brought, has had or will have upon the cancellation of appellants' contracts by the affiliated stations. So far as relevant, that will be a matter for consideration by the court below, as will be the question, not considered by it, whether the appellants other than NBC [WOW, Omaha, and WHAM, Rochester] are "proper parties plaintiff".

Justice Frankfurter and his two colleagues based their dissent on the contention that a district court can take a case only when Congress has authorized that type of case to be taken. Congress, they held, "did not leave opportunity for reviewing damaging action by the FCC to the general equity powers of the district courts."

The minority held that the regulations do not commit the Commission to any "definitive course of action in passing upon applications for licenses". They said the regulations are not the completion of the "adjudicatory process". To argue that irreparable injury "implies reviewability is in effect to contend that there must be a remedy because the plaintiff claims serious damage," said Justice Frankfurter.

The dissenting opinion held that the Act created two avenues by which orders of the FCC were open to review by the federal courts—one under 402 (a) and the other under 402 (b). It held that 402 (a) was improperly invoked, since the regulations did not constitute an order. Beyond that, the minority contended that a licensee, by virtue of the minute adopted by the Commission, is under no compulsion to cancel or modify its affiliation contract since the minute enables a licensee to contest the validity or reasonableness "without fear of losing its license".

Guardian of Liberty

Justice Frankfurter went to the length of citing individual renewal cases which had been pending before the FCC to prove his contention that intervention is allowed in renewal proceedings. He cited the "unfortunate effects of premature judicial review". The regulations were issued on May 2, 1941, more than a year ago, he said.

"Hardship there may well come through action of an administrative agency," the dissent concluded. "But to slide from recognition of a hardship to assertion of jurisdiction is once more to assume that only the courts are the guardians of the rights and liberties of the people. * * * To say that the courts should reject the doctrine of administrative finality and take jurisdiction whenever action of an administrative agency may seriously affect substantial business interests, regardless of how intermediate or incomplete the action may be, is, in effect, to imply that the protection of legal interests is entrusted solely to the courts. The unbroken current of this court's decisions in construing the scope of judicial review under the Urgent Deficiencies Act, and which is the only warrant for jurisdiction in this case, repels such a contention. The decision should therefore be affirmed."

WOODMEN OF THE WORLD Life Insurance Society signs up John Blair (left), head of John Blair & Co., representatives. At the recent ceremonies in Omaha were President De E. Bradshaw, of the Woodmen (seated, right). J. James Neale (left), timebuyer for Blackett-Sample-Hummert, and John J. Gillin, Jr., general manager of WOW, Omaha, are looking on.

ASCAP

(*Continued from page 10*)

ments between all parties and ASCAP."

Acording to copyright lawyers, this means that if a writer has assigned his licensing rights to ASCAP for the period in which a number is written his contract with a publisher does not give the publisher these rights until the writer's contract with ASCAP has expired, but at that time they do become the property of the publisher and may not be reassigned by the writer to ASCAP.

Like a Tenancy

The situation is comparable, these lawyers state, to the sale of a house which has been rented to a tenant. For the duration of the lease the new owner must respect the rights of the tenant but at its expiration the former owner cannot renew the lease.

ASCAP's final argument is that Marks sold to BMI the exclusive right to license public performance of its music for $1,000,000, "part of which plaintiff Marks has already received and kept for itself" and that in withdrawing the licensing rights from ASCAP Marks "is attempting to deprive the individual defendants of their livelihood." BMI has "aided and abetted" Marks in this, ASCAP charges, so that both plaintiffs come into court with "unclean hands."

John Schulman, attorney for Songwriters Protective Assn., was granted an extension of time to enter his answer, which is expected to uphold the rights of the writers as opposed to those of the publisher, a point not mentioned in the ASCAP answer.

N. Y. Bond Drive

AS PART of the radio publicity campaign to help the special house-to-house sale of war bonds in the New York area, June 12-24. Ten committees covering the various types of broadcasts are being set up to arrange for announcements on various programs the week prior to the drive Details are being worked out by Al Simon, publicity director of WHN, New York, currently on leave.

Watson Dispute Delays Action on FCC Funds

A STALEMATE was reached last week in the discussion by House and Senate conferees on the status of Dr. Goodwin Watson, chief analyst of the FCC Foreign Broadcast Monitoring Service who has been under fire for alleged Communist-front activities.

Dr. Watson's status, which has been undetermined since the House voted to withhold his salary in its consideration of the Independent Offices Appropriation Bill, including the FCC allotment of funds for the 1943 fiscal year, was referred to a Congressional joint committee when the Senate voted that the matter required special consideration. The Senate asked that the matter be referred to a suitable Governmental agency, such as the Department of Justice, for determination of action to be taken against Dr. Watson.

Rep. Woodrum (D-Va.), chairman of the House conferees, last Friday said the Dr. Watson matter caused a stalemate on the vote for the FCC appropriation and that a vote would have to be taken on the House floor some time this week to determine final action.

Fire Halts Sponsor

WITH its factory having been recently destroyed by fire, Par Soap Co., Oakland, Cal. (soap), through Long Adv. Service, San Francisco, following broadcast of May 27 curtailed its radio advertising and discontinued the weekly quarter-hour program, *It Happened in the Service*, on 21 NBC Pacific Coast and Arizona stations, Wednesday, 5:30-5:45 p.m. (PWT). Future radio advertising plans have not been announced.

Zenith's Video, FM

ZENITH RADIO Corp., Chicago, in announcing a net profit of $1,637,049.25 or $3.32 a share, in the annual report to the stockholders by Com. E. F. McDonald Jr., president, states the company plans to continue operation of FM station W51C and television station W9X2V on a limited basis during the emergency. Com. McDonald also reported that the company's wholly-owned subsidiary, Wincharger Corp., Sioux City, has become the world's largest manufacturer of wind-driven electric machinery and is manufacturing motor generators.

Ralph Atlass Scholarship

FIRST ANNUAL Atlass Scholarship of $100 tuition for the outstanding radio student of Northwestern U, Evanston, was presented to Vee Bantz on May 26 at the School of Speech honors banquet. The scholarship has been established by Ralph L. Atlass, president of WJJD, Chicago and WIND, Gary, Ind., in recognition of the contribution to radio by the Northwestern U Radio Play Shop of which Miss Bantz is a producer-actress and announcer.

WDRC

CONNECTICUT'S PIONEER BROADCASTER

CO-OPS 1930-42

Two co-ops for your E. T.'s are now in their 12th successful year on WDRC. The programs are the Shopper's Special and the Ad-Liner. Both are available for one-minute announcements at attractive rates. WDRC, Hartford, Basic CBS for Connecticut.

CBS

WAVE 5000 watts • NBC

for LOUISVILLE — not China!

Ask your Agency to ask the Colonel!

FREE & PETERS, Inc., National Representatives

Key OFF Officials To Discuss Future Operating Methods

New York, Chicago, Hollywood Discussions Are Planned

TO DISCUSS results achieved thus far with its Allocation Plan, key radio officials of the Office of Facts & Figures will meet in New York next Friday, June 12, and in Chicago June 13 with sponsors and their agencies and with contact men of the Advertising Council and the networks, and will lay before them tentative plans for future operation.

Since the whole plan of allocations is a voluntary one, those carrying the OFF "priorities" under the weekly schedules issued to them will be asked for suggestions and ideas.

Bulletin Planned

The New York meeting will be held at 2 p.m. in CBS Studio No. 2, and the Chicago meeting at 11 a.m. in NBC Studio E. Attending both meetings for OFF will be William B. Lewis, associate director in charge of radio; Douglas Meservey, his assistant; Seymour Morris, agency liaison. Also expected to be present will be Nat Wolff, recently appointed Hollywood radio liaison, who will later conduct a similar meeting in that city.

OFF has tentatively prepared a bulletin covering the "hows" on treatment of war subjects not embraced in the regular allocation plan. Before it is published, the ideas of the sponsors, agencies and networks will be sought.

Following the two meetings of this week, it is planned to hold sessions with writers and producers, also in New York and Chicago, but times have not been set.

Cooperating with OFF, NBC and CBS have evolved summer campaigns to tie in with the war effort which will feature the top programs broadcast by the two networks in special series donated to OFF. The NBC series, known as *Victory Parade*, started June 7 and the CBS *Victory Theatre* will begin July 20.

The NBC Sunday series led off with a program starring Fannie Brice, Handley Stafford, John Conte and Meredith Wilson's orchestra, 7-7:30 p.m. Subsequent programs will be *Mr. District Attorney*, the *Aldrich Family*, *Jack Benny*, the *Great Gildersleeve*, *Burns & Allen*, *Kay Kyser*, *Fibber McGee & Molly*, *Bob Hope* and others. *Victory Theatre* will bow Monday, July 20, when Cecil B. DeMille's *Radio Theatre* is presented at 9 p.m. Other shows in this series will be *Fred Allen*, *the Screen Guild Theatre* and the *Hit Parade*.

All stars, directors and writers will contribute their services and the networks will contribute the time. In the place usually devoted to the commercial, Government messages will be read.

* * *

Blue's New Plan

A PLAN to give impetus to war messages currently designated by OFF as of secondary importance has been evolved by G. W. Johnstone, BLUE director of news and special features.

The BLUE, like other networks, has followed the rankings in the OFF's *Radio War Guide* and has woven into its schedules all topics of "AA" and "A" rating. But subjects rated B, C or D have been comparatively neglected.

To remedy this condition Johnstone has arranged for such war messages to be used on the BLUE news commentary programs, which may be sold locally by BLUE affiliates or carried as sustaining programs.

The war messages are timed to fill the spots left for commercials on each program, so that stations which have not sold the programs will get the war messages while those which have sold the broadcasts are giving their commercials.

The three BLUE programs to which this new plan is being applied are *Baukhage Talking*, *News Here and Abroad* with William Hillman and Ernest K. Lindley, and Helen Hiett's *Today's News*.

Hearing on WHIP Sale

APPLICATION of John W. Clarke, Chicago investment banker and minority stockholder in WHIP, Hammond, Ind., for acquisition of control of the station from Dr. George F. Courrier, was designated for hearing last Tuesday by the FCC, sitting en banc. Mr. Clarke, who previously had acquired most of the minority interest of Marshall Field, Chicago merchant and publisher, proposes to acquire an additional 10% of the stock from Dr. Courrier, which would give him, or control [BROADCASTING, May 25].

Buddies Meet

SURPRISE REUNION of high school buddies took place when Glenn Miller, band leader, and Owen Binson, producer of CBS *That Brewster Boy* bumped into each other during the confusion of getting actors out and musicians into CBS-Chicago studio before Miller's late broadcast May 27. They hadn't seen each other since high school band and glee club days at Fort Morgan, Colo.

Waring Trophy Winners

WINNER of the National College Glee Club Competition, conducted by Fred Waring, maestro of NBC's *Pleasure Time*, is Rochester U. with Purdue as runner-up. Results of the contest were announced on CBS May 31, 11:30-12 p.m., in connection with a banquet honoring the glee club members of the eight colleges participating in the finals. Liggett & Myers Tobacco Co., New York, sponsor of Waring's show on NBC, paid all expenses involved in bringing 320 students to New York for the finals.

Directors of AMP Elected at Meeting

Eight of Nine Members Are Returned to Their Posts

EIGHT of the nine members of the board of directors of Associated Music Publishers were reelected by the company's stockholders at a meeting held last Wednesday in New York. No replacement was made for the ninth director, Waddell Catchings, whose former interest in the company was recently acquired by William B. Benton [BROADCASTING, May 25], now owner of all AMP common stock.

AMP directors are: Mr. Benton; Clinton M. Finney, president; H. C. Freeman, vice-president, North American Co.; A. M. Davis, attorney; William J. Herdman, general manager, Wired Radio, an AMP subsidiary; Ernest R. Voight, vice-president in charge of AMP's music department; K. R. Smith, vice-president and general manager, Muzak Transcriptions, AMP subsidiary; Ben Selvin, AMP vice-president in charge of program recording.

Subsidiary Officials

Directors of Muzak Transcriptions were elected as follows: Messrs. Benton, Finney, Smith, Voigt, Selvin and John R. Andrus, AMP treasurer. Directors of Muzak Corp.; a third AMP subsidiary company which is licensee of W47NY, FM station in New York, as elected June 3 are: Messrs. Benton, Finney, Herdman and E. A. Tracey, vice-president and general manager, Muzak Corp.

A directors meeting of AMP and its affiliate companies will probably be held the latter part of June, when officers will be elected, including a new board chairman to succeed Mr. Catchings.

Sanka Drops 'Duffy's'

FIRST RADIO casualty caused by the threatened coffee shortage and importation difficulties is the *Duffy's Tavern* series on CBS, which General Foods Corp., New York, will cease sponsoring Sanka Coffee, June 30 at the end of the first 13 weeks of its sponsorship. The show is heard Tuesdays on 67 CBS stations, 9-9:30 p.m. (EWT), and was sponsored until March 17 by Magazine Repeating Razor Co., one of the advertisers forced to cancel radio advertising early this year because of priorities. Agency for Sanka is Young & Rubicam, New York.

CBS Check

TO AUTHENTICATE all announcements and data concerned with the war effort, CBS has inaugurated the Columbia Bureau of War Time Information on West Coast stations. Title will be used as a tag to indicate Government mesages and spot news had been double checked for correctness. CBWTI will operate for the duration checking sources via long distance telegraph and, where necessary, by cable.

Klose Joins Y&R

WOODY KLOSE, for 2½ years with Lever Bros., Canada, as writer, director and performer for the CBC shows *The Family Man* and *the Story of Dr. Susan*, replaces Ben Larson as assistant to Carol Irwin, director of daytime radio of Young & Rubicam, New York. Klose, who has done a daytime monolog of *The Family Man* on NBC, in addition to writing for Blackett - Sample - Hummert and serving with WTMV, St. Louis, will handle the development of new daytime programs for the agency. Larson resigned from Young & Rubicam last week to operate WWDC, Washington, which he bought in partnership with Joseph Katz of the Joseph Katz Co., Baltimore.

Maxwell House Plans

GENERAL FOODS Corp., New York, concurrent with its shift to the summer product advertised, on June 4 changed name of its weekly half-hour NBC *Maxwell House Coffee Time*, to *Post Toasties Time*, Thursday, 8-8:30 p.m. (EWT) with West Coast repeat, 8:30-9 p.m. (PWT). Guest star policy will also be inaugurated June 11 when Frank Morgan, comedian, starts his six weeks vacation. Policy will be continued through absence of Fanny Brice when she vacations from July 23 to Aug. 8. Meredith Willson remains as musical director, with John Conte, vocalist-mc. Mann Holiner, Hollywood producer of Benton & Bowles Inc. on the show, continues in that capacity throughout the summer.

***Wherever there's a telephone . . . there's Postal Telegraph!**

For extra convenience, extra speed, extra care *at no extra cost*—next time you have important telegrams to send—

Phone Postal Telegraph

ADVERTISING ROLE IN WAR STRESSED

ADVERTISING has a job to do in these times of confusion by informing and educating the public, Carroll L. Wilson, director of the Bureau of Foreign & Domestic Commerce, declared in an address delivered before the Seventh Annual Conference of the National Federation of Sales Executives, held last Thursday and Friday at the Hotel Roosevelt, New York. Conference was keyed to the theme, "Sales Management in War and After Victory."

Discussing the problems arising from the "ever widening gap between the money plus the desires of your customers and your ability to supply goods," Mr. Wilson stated: "We in the Department of Commerce believe that it would be a great mistake if businesses and sales forces failed to capitalize on this opportunity to help people get themselves in the groove for the war. Certainly advertising is one way to do that. If you eliminate brand names entirely, you will have a devil of a time after the war to get straight again."

The pattern which wartime advertising should take was discussed by Charles E. Carr, director of advertising and public relations, Aluminum Co. of America, who reported that a recent survey showed a surprising public desire for information about what advertisers are planning for after the war. One of advertising's biggest jobs today, he declared, is "to stimulate savings which will be money in pocket when the war is over. On that day the saver will have the cash or the credit which will enable him to select from the many things he will see advertised and on display."

A feature of the Friday program was a "National Radio Victory Sales Rally" broadcast coast-to-coast on the BLUE through the cooperation of Edgar Kobak, BLUE executive vice-president, for the benefit of sales executives who were unable to attend the New York meeting. Clarence E. Francis, president of General Foods Corp.; Charles E. Wilson, president of General Electric Co.; Arthur H. Motley, vice-president, Crowell-Collier Publishing Co.; Gene Flack, trade relations counsel, Loose-Wiles Biscuit Co., and Frank W. Lovejoy, executive, Socony-Vacuum Oil Co., participated.

Farm Journal

"If you can't find anything but setting-up exercises we'll just have to put off milking awhile."

Navy Men Only

NAVY MEN ONLY and their girl friends are admitted to *The Bluejacket Hop*, weekly half-hour broadcast and dancing party on Saturday mornings in the Chicago studios of the BLUE. Admission is also granted prospective recruits who sign an application blank at the door. The program is part of the current drive for 10,000 Chicago recruits which culminates July 4.

Aid Safety Project

TO ASSIST in the advancement of the war production fund to conserve manpower, a publicity cooperation committee has been formed, comprised of leaders in the radio, motion picture and publishing industries. Niles Trammell, president of NBC, and William S. Paley, president of CBS, are among the members of the committee, organized at a meeting held at the Union League Club, New York, June 4. An organization of business and industrial leaders, the fund was established April 24 to obtain adequate financial support for the work of the National Safety Council for a drive, launched at the request of President Roosevelt, to reduce preventible accidents in order to assure maximum war production.

Fleischmanns Off Nets For the Summer Period

STANDARD BRANDS, New York, at the end of current contracts for two network programs promoting Fleischmanns' Yeast will discontinue for the summer and has announced no decision as to whether the shows will return in the fall.

Programs are *I Have A Mystery*, heard on 63 BLUE stations, Mondays 8-8:30 p.m., which completes a 39-week run on June 29, and *What's My Name*, quiz program on 38 Mutual stations, Tuesdays 8-8:30 p.m., which will be discontinued June 30 at the end of a 26-week contract. According to Kenyon & Eckhardt, New York, agency in charge, the discontinuation of radio advertising for Fleischmanns is not due to priorities or packaging difficulties, but no explanation for the move was given.

Eight Serials Renewed For 52 Weeks by P&G

PROCTER & GAMBLE Co., Cincinnati, on June 29 will renew for 52 weeks eight of its quarter-hour Monday through Friday serial programs on NBC, as follows: *Lone Journey* (Dreft), on 19 NBC stations, and *Road of Life* (Chipso), on 38 stations, both heard 11:30-11:45 a.m., *Vic & Sade* (Crisco), 71 stations, 11:15-11:30 a.m. *Against the Storm* (Ivory Soap), 81 stations, 3-3:15 p.m., and the following shows, also heard on the CBC, *Ma Perkins* (Oxydol), on 81 NBC stations, 3:15-3:30 p.m., *The Story of Mary Marlin* (Ivory Snow), 58 stations, 10:45-11 a.m., *Pepper Young's Family* (Camay), 78 stations, 3:30-3:45 p.m., and *Right To Happiness* (White Naphtha Soap), 66 stations, 3:45-4 p.m. Agencies are Blackett-Sample-Hummert, Chicago, for Dreft and Oxydol, Pedlar & Ryan, New York, for Chipso and Camay, Compton Adv., New York, for Crisco, Ivory and White Naphtha soaps, and Benton & Bowles, New York, for Ivory Snow.

RADIO PROMINENT AT COAST MEETING

RADIO will play a major role in the 39th annual convention of the Pacific Advertising Assn., to be held at Paradise Inn, Mount Ranier National Park, Wash., June 21-25. Don Belding, Los Angeles vice-president of Lord & Thomas, and PAA president will preside. The Tacoma ad clubs will play host.

C. E. Hooper, New York president of C. E. Hopper Inc., radio research organization will participate in the panel discussion, "What Do the General Economic Factors & Trends Hold for Advertising?" Robert J. McAndrews, NBC western division sales promotion manager, will also take part.

Donald W. Thornburgh, CBS West Coast vice-president, is to be a member of the panel group discussing, "What Is the Public Attitude Toward War-Flavored Ads?" William B. Ryan, manager of KGO, San Francisco, and president of the San Francisco Ad Club, will be a participant in the panel discussion, "Should Advertising Copy Be More Factual & Less Emotional During War Time?"

Howard Lane, manager of KFBK, Sacramento, and the McClatchy Broadcasting System, will participate in the discussion on "What Is Happening to Advertisers Whose Output Is Curtailed Because of War Production?" Earl Hedrick, manager of KSLM, Salem, Ore., is slated for the panel on "How & to What Extent Should Advertising Copy Contribute to the War Effort—or Should It Stick to Its Knitting?" Charles W. (Chuck) Myers, manager of KOIN-KALE, Portland, is to preside over the Radio Breakfast session slated for June 24.

Don Francisco, radio division director of the Office of the Coordinator of Inter-American Affairs, Washington, and formerly president of Lord & Thomas, is to be one of the principal speakers at the convention. His subject is "Expanding Opportunities of the Americas".

Third of Petitions Ask Modifications

Pleas for New Facilities Are Submitted Under Ruling

ABOUT ONE-THIRD of the more than 200 station applicants for modifications of their present broadcast facilities and only 15 of 135 new station applicants took advantage of the FCC's mandate that special petitions for consideration of their requests be filed by June 1, according to an analysis made last week by BROADCASTING.

With practically no chance of procuring equipment for new or modified construction under the existing freeze orders entailed by shortages of critical material, the petitions nevertheless sought consideration by the FCC of the application involved on national defense or other grounds. Those which failed to file petitions, under terms of the FCC's special memorandum opinion of April 27, have abandoned their applications without prejudice to reinstatement upon termination of the war emergency.

Defense Shortages

FCC records available last week revealed that 15 applicants for new stations had requested further consideration. Possession of necessary equipment, or lack of adequate service in the areas proposed to be served were cited as the primary reasons. Approximately one-third of the 218 stations applying for change in frequency, power increases or other modifications, filed petitions requesting action. The list had not been completed, however, as BROADCASTING went to press.

The memorandum opinion authorizing the petitions was issued pursuant to the action of the Defense Communications Board in recommending retention of the status quo on new or changed broadcast facilities because of the equipment shortage. It covered standard, television, facsimile, relay and FM stations.

FCC-DCB Chairman Fly a fortnight ago strongly advised applicants not to waste "time, energies and money on themselves and on the Government in endeavoring to pursue applications contrary to the rules". For that reason, many of the applicants, including those whose applications previously had been designated for hearing, merely requested that their pending instruments be dismissed without prejudice.

It was clearly indicated at the FCC that its legal and engineering divisions, in determining the status of the petitions received, will be disposed to recommend adversely those which entail the use of critical materials. Where no new materials are involved, it is presumed the FCC will follow through as in the past in meritorious cases.

WDAS DEFENDANT IN CONTRACT SUIT

BECAUSE of an effort to maintain control of its foreign-language broadcasts, WDAS, Philadelphia, is faced with a suit filed last Thursday in Philadelphia Common Pleas Court. Theodore Swystun and his wife, Antoinette, who have directed the *Ukranian Hour* on the station for the last seven years, filed action in equity against the station and P. J. Stanton, general manager, to forestall cancellation of an asserted contract.

Mr. Stanton, following the claim of Mr. Swystun that he was told his broadcasts would terminate Memorial Day, is said to have admitted he fired Swystun because the Ukranian broadcaster repeatedly violated the station regulations governing foreign-language shows. It was said two warnings had been given by the station not to mention names, birthdays, marriages or deaths on the Swystun program but the warnings had been ignored. It was said the matter was brought to the attention of the station when other foreign listeners complained that on their programs such data was not permitted.

In the suit Swystun complained that the sum he made on the show was important to him and that he soon expected to be inducted into the Army.

Records for Servicemen Sought by Music Group

RECORDS For Our Fighting Men Inc., a non-profit organization, has been formed by a group of musical artists in the concert and popular field, to provide and maintain complete up-to-date record libraries in every U. S. Army camp, fort, Naval station and Marine base here and overseas. Phonograph players will also be supplied by the agency, which will raise funds for the gifts through a nation-wide campaign to collect old phonographs.

Estimating that more than 200,000,000 unused records are lying idle in American homes, the organization hopes to collect at least 10% of them, disposal of which to record manufacturers will bring approximately $500,000. A committee of artists will be appointed to select the most suitable new records, which will be purchased at factory cost and shipped continuously to servicemen for the duration.

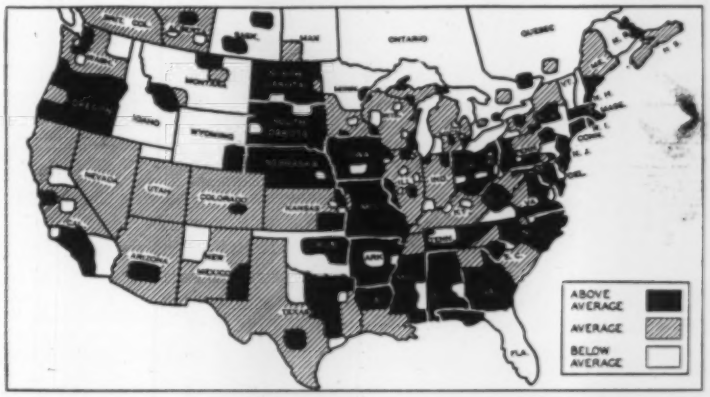
Edward Wallerstein, president of Columbia Recording Corp., New York, has already pledged wholehearted cooperation to the plan, offering to sell new records at factory cost, to help in promotion plans and to purchase all scrap the organization can give CRC.

P & G Drops Show

PROCTER & GAMBLE Co., Cincinnati, which is discontinuing the *Ransom Sherman* show for Ivory Soap after the June 24 broadcast on CBS in the Wednesday evening 9:30-10 spot, is also considering discontinuing Shirley Temple in *Junior Miss*, which is heard on CBS in the preceding half-hour for Dreft and Ivory Snow. The cancellation of the latter show has not been definitely set, according to Benton & Bowles, New York, Ivory Snow agency, but if it is decided upon, it would take place Aug. 26.

UNITED BUSINESS JUNE FORECAST MAP

This map, reproduced by courtesy of United Business Service, Boston, shows business conditions in all parts of the U. S. and Canada as indicated in its surveys.



Probe of Foreign Time Brokers

(Continued from page 16)

periods. There has been no indication of any change in this policy, though, in normal times, the FCC was inclined to be more lenient in the case of foreign language programming because of the highly specialized nature of each program operation.

Of the some 210 stations having foreign language programs, it is estimated that nearly half sell time to brokers. The Commission pointed out that these "brokers" are not station employes but are independent contractors "apparently independent of any one station for their livelihood".

In general, brokers buy blocks of time over a given station and arrange their foreign programs, selling on their own account spot announcements for use during the allotted time. Many act as their own announcers and "seem to enjoy large followings among foreign-born listeners".

The FCC, the announcement said, seeks to learn which brokers operate over which stations; the precise relationship existing between the "brokers" and their respective stations; the titles of the programs aired; nature of the program; and whether in the opinion of the licensee there are objections to, or useful functions for, the broker system. Copies of contracts and agreements concerning the operations of the brokers and stations in connection with the foreign language programs are to be filed with the Commission.

Detailed Data Sought

The letter-questionnaire sent stations asked them to furnish information concerning any brokers who are or have been connected with foreign language programs on the stations since June 1, 1941. A "broker" is described as any person, form or organization "who buys time from the station and resells it on his own account to any person, advertiser or organization in any form whatsoever, whether all the time purchased by the broker is resold in a single block, or whether the time purchased by the broker is resold in small units or in the form of announcements or advertisements."

Stations then are asked to specify the legal name and address of each broker; title of each program broadcast during the time purpurchased by the broker; whether the broker is still associated with the station, and if not, when and why the relationship was terminated.

Details of all contracts, agreements, arrangements and understandings, oral or written, which have been in effect between the station and each broker at any time since June 1, 1941, are requested.

The detailed information requested with regard to each contract goes into date of inauguration; length of time covered; total amount of time purchased by the broker and actual amount of money paid for this weekly time; rate at which time is sold to broker; rate at which comparable amount of time is sold to non-brokers; if the rates are different, the reason for this must be stated. What restrictions, if any, are placed on the price at which the broker may resell time; what rights the broker has under his contract or understanding to select personnel who may participate in the creation of the programs and the actual broadcast of the programs; nature of program material other than news and music, and related data.

Copies of Contracts

Stations are asked to give their "considered judgment of the block system in the foreign language field", including a list of the useful functions it performs and any objections to its use.

Finally, stations are asked to submit copies of all written contracts, agreement, arrangements and understandings and any written station regulations governing foreign language broadcasts in effect at any time since June 1, 1941. Complete rate schedules for foreign language programs, without talent, also was requested.

All responses are requested by June 22, subscribed by a "responsible officer of the licensee".

Gas Ration Brings Listening Records

Hooper Survey Shows Gains In the East During May

RATIONING of gasoline in the Eastern States has increased radio listening as well as curtailed motoring, according to a special analysis included in the May 30 Hooper National Program Rating Report.

Comparing listening during the week of May 15-21 with that of May 1-7 in eight Hooper checking cities along the East Coast, subject to the gasoline rationing which went into effect May 15, and making the same comparison in the Midwest, where there is as yet no restriction on the purchase of gasoline, the report shows that the first week of May in the East the sets in use average was 27.3%, rising to 29.6% after gas rationing went into effect. In the Midwest, sets in use were 30.0% early in May and 29.1% later in the month.

Largest in History

The Midwestern figures, showing a drop of 1 percentage point from early to late May, are normal for this time of year, Mr. Hooper pointed out, while the increases of 2.3 percentage points for the period is something not encountered previously in the seven years the Hooper surveys have been made. The maximum effect, he said, was shown on Sunday, when the sets in use figure rose 4.6 points in the East while remaining unchanged in the Midwest.

These findings indicate that the summer audience this year will probably be the largest in radio history.

Actions of the
FEDERAL COMMUNICATIONS COMMISSION
JUNE 1 TO JUNE 5 INCLUSIVE

Decisions . . .

JUNE 2

WALL, Middletown, N. Y.—Granted modification CP new station to 1340 kc 250 w unl., for approval of transmitter and studio sites, approval of antenna, change transmitter.

WHK, WCLE, Cleveland; WHKC, Columbus—Granted consent transfer control of United Broadcasting Co. from Plain Dealer Publishing Co. to Forest City Publishing Co. on condition it is not applicable to any future transfer of control arising from changes in Forest City stockholdings or otherwise.

WJZM, Clarksville, Tenn.—Granted voluntary assignment license from William D. and Violet Hutton Hudson to Roland Hughes for $26,500.

W6XLA, Los Angeles—Granted CP television relay station 204-216 mc. 800 w peak visual power only, A-5 emission.

WEHX, WEHE, WEHV, WRPM, Cleveland—Granted consent transfer control of United Broadcasting Co., licensee, from Plain Dealer Publishing Co. to Forest City Publishing Co. on condition it is not applicable to any future transfer of control arising from changes in Forest City stockholdings or otherwise.

JUNE 3

MISCELLANEOUS—**KITE, Kansas City**, granted delayed entry of appearance in renewal hearing and dismissed application to continue hearing; **WROL, Knoxville**, granted leave amend CP application to omit request for construction and to ask only 1 kw unl. and denied removal from docket and cancellation of hearing set for 6-17-42; **NEW, Andrew L. Todd, Murfreesboro, Tenn.**, granted petition dismiss without prejudice application new station; **WOAI, San Antonio**, granted dismissal without prejudice application CP 1200 kc; **WGST, Atlanta**, granted in part petition for extension of time to file proposed findings and extended to 6-8-42.

JUNE 4

MISCELLANEOUS—**WHIP, Hammond, Ind.**, set for hearing application transfer control from George F. Courrier to John W. Clarke, and granted modification CP change hours etc. to extend completion date subject to condition that no objectionable interference be caused TGW, Guatemala City; **KALB, Alexandria, La.**, hearing continued to 7-8-42.

Applications . . .

JUNE 2

WKBN, Youngstown—Mocification CP as modified for new transmitter etc. extending completion date to 12-31-42.

NEW, Bob Jones College Inc., Cleveland, Tenn.—CP 550 kc 1 kw N 5 kw D unlimited directional N, amended re antenna, transmitter site.

KOAC, Corvallis, Ore.—Modification CP as modified new transmitter etc., to extend completion date to 7-1-42.

WAWZ, Zarephath, N. J.—Modification CP increase power etc., dismissed without prejudice as unnecessary.

NEW, Portland Broadcasting System Inc., Portland, Me.—CP 47.1 mc 3,980 sq. miles, 256,466 population, dismissed without prejudice at request of attorney.

WCHS, Charleston, W. Va.—CP increase power to 5 kw N 10 kw D dismissed without prejudice at request of attorney; also application change from 580 to 640 kc increase from 5 to 50 kw, dismissed without prejudice at request of attorney.

NEW, Constitution Publishing Co., Atlanta—CP 45.3 mc 7380 square miles 826,864 population, dismissed without prejudice at request of attorney.

WJNO, West Palm Beach, Fla.—CP change from 1230 kc 250 w to 1430 kc 1 kw, new transmitter, dismissed without prejudice at request of attorney.

WIBW, Topeka—CP increase from 5 kw to 5 kw N 10 kw D directional, dismissed without prejudice at request of attorney.

KFEL, Denver—CP increase from 5 kw to 5 kw N 10 kw D, change transmitter, dismissed without prejudice at request of attorney; also CP 46.5 mc 1361 square miles 450,402 population.

WIBC, Indianapolis—Amended request increase power from 1 kw N 5 kw D to 5 kw N 10 kw D, omitting request for increase in day power and change in transmitter.

WIUC, Urbana, Ill.—Modification CP as modified for non-commercial educational station re transmitter site, antenna, and extend completion.

W73I, Indianapolis—Modification CP for approval transmitter, antenna sites.

W55M, Milwaukee—Modification CP as modified re transmitter; also modification license.

KYA, San Francisco—Assignment license from Hearst Radio Inc. to Palo Alto Radio Station Inc.

JUNE 4

W65PH, Philadelphia—modification CP FM change transmitter, studio sites, type of transmitter and antenna, decrease coverage to 5,465 square miles temporarily, population 3,399,000.

W71NY, New York—Modification CP as modified FM to decrease coverage to 5,730 square miles, change antenna, change population to 10,943,000.

WDOD, Chattanooga—Modification CP increase power to change type of transmitter.

KDFM, Beaumont, Tex.—CP new transmitter, increase 1 to 5 kw, amended re type of transmitter, change directional to N only change transmitter site.

WJOB, Hammond, Ind.—CP increase from 100 to 250 w, change transmitter, amended re transmitter.

KGDM, Stockton, Cal.—Modification CP increase power, etc., to change transmitter.

KYA, Palo Alto, Cal.—Modification license move studio from San Francisco to Palo Alto.

KXO, El Centro, Cal.—CP change from 1490 kc 100 w to 1230 kc 250 w, new transmitter, move studio and transmitter, amended to ask modification of license instead of CP by omitting request for increase in power, new transmitter and move studio and transmitter.

DISMISSED WITHOUT PREJUDICE—**KXRO, Aberdeen, Wash.**, CP change 1340 kc 250 w to 1520 kc 1 kw, request of attorney; **WDBO, Orlando, Fla.**, CP change equipment, increase from 5 kw to 5 kw N 10 kw D directional N, request of attorney; **NEW, Truett Kimzey, Greenville, Tex.**, CP 1400 kc 250 w unl., request of attorney; **WDGY, Minneapolis**, CP directional N, increase power, move transmitter etc., request of attorney.

Tentative Calendar . . .

NEW, Mosby's Inc., Anaconda, Mont.—CP 1230 kc 250 w unl. (June 8).

NEW, Constitution Broadcasting Co., Atlanta; NEW, Bob Jones College, Cleveland, Tenn. (consolidated hearing)—CPs 550 kc 1 kw N 5 kw D DA-night unl. (June 8).

NEW, Chambersburg Broadcasting Co., Chambersburg, Pa.—CP 1340 kc 250 w unl. (June 9).

WRAL, Raleigh, N. C.—CP 850 kc 1 kw N 5 kw D Da-night unl. (June 10).

WICA, Ashtabula; WWSW, Pittsburgh (consolidated hearing)—WICA seeking CP 970 kc 1 kw N 5 kw D unl. directional N; WWSW seeking CP 970 kc 5 kw unl., directional (June 10).

WPRP, Ponce, P. R.—CO 1480 kc 1 kw N 5 kw D unl., modification CO to 1520 kc 1 kw N 5 kw D unl. and renewal of license 1420 kc 250 w unl. (June 10).

WRUF, Gainesville, Fla.—CP 850 kc 5 kw directional N unl. (June 11).

WSOO, Sault Ste. Marie, Mich.—Renewal of license 1230 kc 100 w N 250 w D unl. (June 11).

NEW, A. M. Burton, Nashville—CP 1410 kc 1 kw directional N & D unl. (June 12).

LAPP HAS MADE 142 DESIGNS IN ANTENNA STRUCTURE INSULATORS—ALL ARE BASED ON THE LAPP CURVED-SIDE COMPRESSION CONE
The largest and smallest Lapp curved-side cones—for a low power pipe mast, and for the world's largest vertical radiator—1050 feet.
More than 20 years of service records prove that the Lapp curved-side compression cone of electrical porcelain meets every operating requirement. It affords double the strength of an ordinary straight-side cone, assuring the maximum in security and permanence. Finally, each insulator, before shipment, is tested by loading to 50% more than maximum design load. Most radio engineers know they've covered the insulator question adequately when they say to their tower manufacturer, "Use Lapp Insulators."
Lapp Insulator Co., Inc., LeRoy, N. Y.
Specify LAPP FOR SECURITY IN ANTENNA STRUCTURE INSULATORS

Network Accounts
All time Eastern Wartime unless indicated

New Business

SKINNER & EDDY Corp., Seattle (Minute Man soup), on June 1 starts five-minute participations on *Breakfast at Sardi's* on 12 BLUE Pacific Coast stations, Mon. thru Fri., 9:30-10 a.m. (PWT). Agency: J. M. Mathes, Inc., N. Y.

ADAM HAT STORES, New York, on June 15 only will sponsor the Sammy Angott-Bob Montgomery bout on more than 100 BLUE stations, Mon., 10 p.m. to conclusion. Agency: Glicksman Adv. Co., N. Y.

GENERAL MOTORS of Canada, Oshawa, Ont., on June 9 starts *Cheers From the Camp* on 19 Canadian stations, Tues., 9:30-10:30 p.m. Agency: MacLaren Adv. Co., Toronto.

Renewal Accounts

GENERAL CIGAR Co., New York (White Owl Cigar), on June 25 renews for 52 weeks *Raymond Gram Swing*, news analyst, on 85 MBS stations, Mon. and Thurs., 10 p.m. Agency: J. Walter Thompson Co., N. Y.

AMERICAN CHICLE Co., Long Island City (chewing gum), on June 24 renews for 13 weeks *By the Way* on 19 NBC Pacific Coast and Mountain stations, Wed., Thurs., Fri., Sat., 5:45-6 p.m. (PWT). Agency: Badger & Browning & Hersey, N. Y.

KRAFT CHEESE Co., Chicago (Parkay margerine), has renewed *The Great Gildersleeve*, on 56 NBC stations 6:30-7 p.m. and on 12 NBC-Pacific 11-11:30 p.m. Sundays, for 44 weeks effective Aug. 30. Program will be discontinued June 28 for the summer. Agency: Needham, Louis & Brorby, Chicago.

GENERAL FOODS, New York (Post Toasties), on July 2 renews *Post Toasties Period* with Fanny Brice and Frank Morgan on 94 NBC stations, Thurs., 8-8:30 p.m. Agency: Benton & Bowles, N. Y.

E. R. SQUIBB & SONS, New York (Squibb products), on June 29 renews *Frank Parker's Songs*, changing name to *Keep Working, Keep Singing America* on 16 CBS stations, Mon., Wed., Fri., 6:30-6:45 p.m. Agency: Geyer, Cornell & Newell, N. Y.

CELANESE Corp. of America, New York (yarns and fabrics), on July 1 renews for 26 weeks *Great Moments in Music*, with Jean Tennyson and guest stars, on 59 CBS stations, Wed., 10:15-10:45 p.m. Agency: Young & Rubicam, N. Y.

GENERAL FOODS Corp., New York (Postum), on July 2 renews for 52 weeks *The Aldrich Family* on 92 NBC stations, Thurs., 8:30-9 p.m. (rebroadcast, 12-12:30 a.m.). Agency: Young & Rubicam, N. Y.

BRISTOL-MYERS Co., New York (Ipana, Sal Hepatica), on July 1 renews Eddie Cantor's *Time To Smile* for 52 weeks, on the same date replacing it for 13 weeks with *Those We Love* on 85 NBC stations, Wed., 9-9:30 p.m. Agency: Young & Rubicam, N. Y.

Network Changes

S. C. JOHNSON & SON, Racine, Wis. (Glo-Coat, wax, Carnu), on June 30 will replace *Fibber McGee & Molly* with *America Sings*, featuring Meredith Wilson's orchestra on 120 NBC and CBC stations, Tuesdays 9:30-10 p.m. Agency: Needham, Louis & Brorby, Chicago.

R. J. REYNOLDS TOBACCO Co., Winston-Salem, N. C. (Prince Albert Tobacco), on July 4 adds 13 NBC stations to *The Grand Ole Opry*, Sat., 10:30-11 p.m., making a total of 58 NBC stations carrying the program. New stations are: WIRE WMAQ KSD WTMJ KSTP WOW WDAF WEBC WMFG WHLB WDAY KFYR KANS. Agency: William Esty & Co., N. Y.

ANDY LOTSHAW & Co. Chicago (Gorjus and Body Rub), since June 1 originates *Your Date With Don Norman*, on 2 MBS stations, from WOR, New York, instead of WGN, Chicago, Mon. thru Fri., 1:45-2 p.m. Agency: Arthur Meyerhoff & Co., Chicago.

MILES LABS., Elkhart, Ind. (Alka-Seltzer, Vitamins), on June 29 shifts *Lum & Abner* on 65 BLUE stations, from Mon., Tues., Thurs., Fri., 6:30-6:45 p.m. (rebroadcast, 10:30-10:45 p.m.) to Mon. thru Thurs., 10-10:15 p.m. (rebroadcast, 11:15-11:30 p.m.). Also on July 12, company shifts *Quiz Kids* on 68 BLUE stations, Wed., 8-8:30 p.m. (reb., 11-11:30 p.m.) to Sun., 7:30-8 p.m. (reb., 11:30 p.m.-12 midnight). Agency: Wade Adv. Agency, Chicago.

PROCTER & GAMBLE Co., Cincinnati (Ivory Soap) on June 27 discontinues *Truth or Consequences* for eight or nine week summer hiatus on 45 NBC stations, Sat., 8:30-9 p.m. Agency: Compton Adv., N. Y.

GENERAL FOODS Corp., New York (Sanka coffee), on June 30 discontinues *Duffy's Tavern* on 67 CBS stations, Tues., 9-9:30 p.m. Agency: Young & Rubicam, N. Y.

STANDARD BRANDS, New York (coffee), on June 28 discontinues for 8 weeks *Chase & Sanborn Show*, on 92 NBC and CBC stations, Sunday 8-8:30 p.m. (EWT). Agency: J. Walter Thompson Co., N. Y.

LEVER BROS. Co., Cambridge, Mass. (Lux), following broadcast of July 13 discontinues for 8 weeks, *Lux Radio Theatre* on 70 CBS and 20 CBC stations, Mon., 9-10 p.m. (EWT). Agency: J. Walter Thompson Co., N. Y.

CHESEBROUGH Mfg. Co., New York (Vaseline), on June 3 for 4 weeks shifted *Dr. Christian* from Hollywood to New York on 65 CBS stations, Wed., 8:30-8:55 p.m. (rebroadcast 11:30-11:55 p.m.). Agency: McCann-Erickson, N. Y.

CARTER PRODUCTS, New York (Little Liver Pills), on June 21 discontinues *The Good Old Days* on 9 BLUE stations, Sun., 8:30-9 p.m., adding the 9 stations to *Inner Sanctum Mystery*, making a total of 81 BLUE stations, Sun., 8:30-9 p.m. Agencies: Street & Finney, N. Y. (*Good Old Days*), and Stack-Goble Adv. Agency, N. Y. (*Inner Sanctum*).

PROCTER & GAMBLE Co., Cincinnati (Ivory soap), on June 24 will discontinue *Ransom Sherman Show* on 73 CBS stations, Wed., 9:30-10 p.m. (EWT). Agency: Compton Adv. Inc., New York.

AFRA Signs 2 CBS

GOTIATIONS between Amer- Federation of Radio Artists the management of WJSV WBT, CBS M&O stations in shington and Charlotte, are con- ded, the union reported last k, and contracts covering an- ncers and talent should be ed in the near future.

Winchell's Vacation

WALTER WINCHELL, BLUE commentator, whose *Jergens Journal* is heard on BLUE each week, will be off the air for the first four Sundays in August. No plans have been made as yet for the quarter-hour program during his absence, but it is probable a substitute commentator may be selected. Andrew Jergens Co., Cincinnati, is the sponsor, and Lennen & Mitchell, New York, is agency.

RAF Discs in Tulsa

SOUTHERN MILLING & MFG. Co., Tulsa, on June 11 will start a 26-week sponsorship of the half-hour variety program, *Flying for Freedom*, prepared by NBC Radio-Recording Division as a series about flyers in the RAF, using two Tulsa stations, KTUL and KOME. The company, which makes prefabricated houses, will sponsor the series at 8 p.m. simultaneously on both stations. Agency is Watts, Payne Adv. Inc., Tulsa.

P. BALLANTINE & SONS, Newark, N. J. (beer, ale), following broadcast of June 2, discontinued for the summer the weekly half hour *Three Ring Time*, on 80 BLUE stations, Tuesday, 8:30-9 p.m. (EWT) with West Coast repeat 8-8:30 p.m. (PWT). Fall resumption of the variety series depends on availability of bottle caps at that time. Featured on the program was Milton Berle, comedian, with Shirley Ross, vocalist and Bob Crosby's orchestra. Wen Niles announced, with Maurice Holland, producer of J. Walter Thompson Co., New York agency servicing the account.

Fred Allen May Be Cut To 30 Minutes in Fall

TEXAS Co., New York, on July 5 is cutting down the *Fred Allen Show* on CBS to a half hour with plans to keep the series like that in the fall when Allen returns from his summer vacation. The switch to 30 minutes takes effect the same day Texas Co. starts its summer replacement show starring Jane Frohman and Al Goodman's Orchestra. Time will be Sundays 9-9:30 p.m., instead of the current 9-10 p.m. period on 85 CBS stations. Agency is Buchanan & Co., New York.

It it understood that Campbell Soup Co., Camden, is interested in the CBS 9:30-10 p.m. spot Sundays for a show this fall, if Texas Co. decides to keep the Allen program to a half hour. No confirmation of this could be obtained from Ruthrauff & Ryan, New York, for Campbell.

CLASSIFIED *Advertisements*

Situations Wanted, 10c per word. Help Wanted and other classifications, 15c per word. Bold face listings, double. BOLD FACE CAPS, triple. Minimum charge $1.00. Payable in advance. Count three words for box address. Forms close one week preceding issue.

Help Wanted

...ineer—Western Electric. 80 cents per ...ur, 40 hours. Box 544, BROADCAST-...NG.

...erienced Announcer — Familiar with ...al station routine. Send voice record-...g, all particulars. WLAG, LaGrange, ...Georgia.

...ineer wanted—For Southern Blue Net-...rk Station. State qualifications and ...ve references. Box 549, BROADCAST-...NG.

...GINEER WANTED—Combination man ...referred. Permanent. Write full details, ...raft status and engineering background. ...x 538, BROADCASTING.

...e Station — Wants experienced an-...ncer. Must be competent at ad lib, ...mmercials, news. Give draft status, ...mplete details first letter. Western ...tion. Box 540, BROADCASTING.

...inuity Writer — For 5 kw station ...nted. Give experience, draft status, ...mplete details first letter. Western sta-...n. Box 539, BROADCASTING.

Situations Wanted

... Years' Broadcasting Experience—Man-...gement - announcer - selling - engineer-...g - programming. Steady - reliable - ...raft exempt. Starting salary $65.00 ...ek. Box 541, BROADCASTING.

...nouncer — News, sports. Draft exempt. ...Transcriptions available. Now connected ...New York station. Box 553, BROAD-...CASTING.

...ctical Radio Engineer — Chief Engi-...eering, development and broad experi-...nce to 50 KW. Executive ability. CREI ...aining. Go anywhere—first class posi-...n. Box 554, BROADCASTING.

...ODUCER-DIRECTOR—New York Uni-...versity Radio and Advertising Major. 23, ...raft exempt. Box 557, BROADCAST-...NG.

...EPLEJACK — Expert radio tower ...rk. Go anywhere. WRC references. ...x 555, BROADCASTING.

...perienced lady continuity writer — And ...adio time buyer on National Campaign ...eking new connections due to priori-...s. College background, top references. ...x 556, BROADCASTING.

...ATION OR COMMERCIAL MANAGER ...Executive now employed. Experience ... years; newspaper executive in local ...d national fields, four years radio, ...ntacts coast to coast, and knowledge ...f independent and network operation. ...cellent background, highest references. ...x 546, BROADCASTING.

...nouncer — All around man, draft de-...rred, references. Transcription on re-...est. West Coast or Midwest preferred. ...x 547, BROADCASTING.

...ssful Salesman — Now producing ...stems for East Coast Thousand Watter is looking for real opportunity with ...gressive station, preferably New ...rk, New Jersey, Pennsylvania. Chris-...an, 34, married, family. Excellent back-...ound, references. Announcing, copy-...iting experience. Pleasing personality. ...FIRST on sales staff of six. Executive ...ability. Creative. Travel for interview. ...x 551, BROADCASTING.

Situations Wanted (cont.)

CHIEF ENGINEER — Experienced on Collins, Western Electric. Available after June 15. Want responsibility. Take charge of department. Prefer Ohio or East. Age 46, married, sober. Expect $42.50 week. Box 548, BROADCASTING.

Program Director-Production Manager — With modern saleable ideas. Ten years' experience. $50 minimum. Now employed. 3-A. East. Box 550, BROADCASTING.

Manager-Commercial Manager — Presently employed, desires change. Twelve years' experience in Midwest. Proven sales record. Thorough knowldge of handling mail accounts. Excellent agency contacts. Box 543, BROADCASTING.

SALESMAN—Experienced, successful. Excellent references. Draft exempt. Available now. Box 536, BROADCASTING.

WRITER-PRODUCER—Seven years experience network stations. 3-A. Fourteen years musical education. Piano-organ. Only permanent position considered. Excellent references. Now employed but desires change. Box 535, BROADCASTING.

Engineer—Need an engineer? Five years all round experience. Permanently draft deferred. Box 537, BROADCASTING.

Wanted to Buy

833 and 828 tubes burnt out, new, any condition, copper ground wire, 2-200 Blaw Knox towers with lighting equipment, anything in broadcast station equipment. Write giving cash price, age, condition, and with what equipment and station used. Brown Radio Service & Laboratory, 192 S. Goodman St., Rochester, N. Y.

Two transcription turntables Presto, or RCA. Must be in good condition. Give type number and best price. Radio Station WRGA, Rome, Ga.

Good single or twin table recorder with or without amplifier. Box 552, BROADCASTING.

For Sale

1 KW Broadcast Transmitter — Western Electric 106-B, including tubes, etc. Good condition. Reasonably priced. Box 542, BROADCASTING.

Presto 6B Recorder—In excellent shape, special 30 watt amplifier, tuner; also two speed twin playback in portable metal case. Box 545, BROADCASTING.

Only 8 left — Michelson Porto Playback machines. Plays up to 16 inch transcriptions 33 1/3—78 r.p.m. AC only. Weight 21 lbs. In use by 350 stations, agencies. $60 each while they last. Charles Michelson Transcriptions, 67 West 44th Street, New York City.

We have on hand—And for sale a Delta Power Supply—special 7413—Rating is 200 volts, 3 phase—60 cycles. Output—5000 volts D.C. at 1½ amperes. 3000 volts D.C. at 400 milli-amperes. Manufactured by Raytheon Mfg. Co., 190 Willow St., Waltham, Mass. Address Edney Ridge, Director, WBIG, in Greensboro, N. C.

PROFESSIONAL DIRECTORY

JANSKY & BAILEY
An Organization of
Qualified Radio Engineers
Dedicated to the
SERVICE OF BROADCASTING
National Press Bldg., Wash., D. C.

McNARY & WRATHALL
CONSULTING RADIO ENGINEERS
National Press Bldg. DI. 1205
Washington, D. C.

JOHN BARRON
Consulting Radio Engineers
Specializing in Broadcast and Allocation Engineering
Earle Building, Washington, D. C.
Telephone NAtional 7757

GEORGE C. DAVIS
Consulting Radio Engineer
Munsey Bldg. District 8456
Washington, D. C.

HECTOR R. SKIFTER
Consulting Radio Engineer
FIELD INTENSITY SURVEYS
STATION LOCATION SURVEYS
CUSTOM BUILT EQUIPMENT
SAINT PAUL, MINNESOTA

PAUL F GODLEY
CONSULTING RADIO ENGINEERS
MONTCLAIR, N.J.
MO 2-7859

CLIFFORD YEWDALL
Empire State Bldg.
NEW YORK CITY
An Accounting Service
Particularly Adapted to Radio

A. EARL CULLUM, JR.
Consulting Radio Engineers
Highland Park Village
Dallas, Texas

Radio Engineering Consultants
Frequency Monitoring
Commercial Radio Equip. Co.
Silver Spring Md.
(Suburb, Wash., D. C.)
Main Office:
7134 Main St.
Kansas City, Mo.
Crossroads of the World
Hollywood, Cal.

Frequency Measuring Service
EXACT MEASUREMENTS
ANY HOUR—ANY DAY
R.C.A. Communications, Inc.
66 Broad St., New York, N.Y.

RING & CLARK
Consulting Radio Engineers
WASHINGTON, D. C.
Munsey Bldg. • Republic 2347

BROADCASTING
for
RESULTS!

Mandatory Pool Plan Under Scrutiny

NAB Adopts Voluntary Pool on Temporary Basis

CONSERVATION and pooling of broadcast equipment to tide the industry over the war emergency was discussed in both Government and industry quarters last week, but with no conclusive action yet in sight on the far-reaching plan projected by the Domestic Broadcasting Committee of the Defense Communications Board and recommended by the latter to the War Production Board.

The plan [BROADCASTING, May 25, June 1] was considered last week by the communications branch of WPB, headed by Leighton H. Peebles, and by Frank H. McIntosh, chief of its radio section. Action, however, must come from Donald M. Nelson, WPB director. It has been rather clearly indicated that the communications branch and WPB attorneys feel the plan as projected is too far-reaching and possibly inconsistent with established WPB policies.

Mandatory Plan

Under this project the FCC in the final analysis would be the directing agency in allocation of pooled equipment among stations, though voluntary boards would be set up in each of the 17 districts into which the country would be divided.

The overall view at WPB, so far as can be ascertained, is that the plan in essence is a mandatory one. In its dealings with other industries, WPB has favored voluntary industry collaboration.

The whole plan hinges upon the availability of a "stock pile" of replacement equipment to meet radio's needs and keep stations on the air as long as possible. Heretofore no assurances have been given by WPB that stock piles could be maintained indefinitely. Moreover, with the critical material situation becoming tighter daily, it is felt that a plan of this nature would have to be handled on a catch-as-catch-can basis—when materials are available, they will be allocated.

Meanwhile, the NAB Executive Engineering Committee at a meeting June 1 proposed that the NAB establish a special department in the nature of an equipment exchange on purely a voluntary basis. This was projected as a temporary expedient, until such time as there is action on some formal plan, essentially along the lines of the Domestic Broadcasting Committee recommendation. The plan was outlined in the NAB bulletin for June 5, as proposed by the engineering committee, comprising Paul Loyet, WHO, Des Moines, chairman; E. K. Cohan, technical director of CBS; O. B. Hanson, NBC vice-president in charge of engineering; G. P. Houston, WCBM, Baltimore.

The difficulty in obtaining parts and equipment presents a "most serious problem to most stations", NAB said. "Various plans are being formulated to solve the problem. Without in any way interfering with any of these plans, but rather as a supplement to them, the NAB Engineering Committee has decided to try an experiment."

Where to Get It

The plan is based on the premise that the most important information wanted by a station operator, either prior to or in an emergency, is where a specific item may be procured. To meet this situation, NAB said, it is proposed to issue periodically — weekly, if necessary — a loose-leaf sheet or sheets containing two listings. One will be items "wanted"; the other "wanted to sell" items. These will be mailed weekly to all stations.

"Whether you want to buy or sell, this plan should prove helpful. It is obvious, however, that it will work only if station engineers offer surplus items for sale as well as register their wants. There will be no hesitancy in discontinuing the service if it does not work. Each listing will be uniform as to type size. If the first listing is not effective, a request for rerun in subequent issues may be made.

"For the time being at least, no charge will be made for listings but we will ask, through the medium of a simple card questionnaire, whether or not the listing was effective in solving your needs. This will be our only means for gauging the effectiveness of this innovation. The NAB will not handle any deals. Buyers, sellers and 'swappers' must conduct their negotiations directly. The sheet is only a medium for revealing potential sellers and buyers."

NAB emphasized that "junk" should be excluded. A prospective buyer can request any type of equipment, but the seller should list only available equipment, new or used, but which he reasonably believes can be of use. All communications are to be addressed POOL, National Assn. of Broadcasters, 1626 K Street, N. W., Washington, D. C. No blind listings will be allowed.

The Domestic Broadcasting Committee of DCB met last Wednesday in Washington and discussed the situation. In the absence of WPB action on the conservation-pooling plan, however, nothing could be done. Another meeting was scheduled for June 24.

WPB, meanwhile, was working on other radio matters in an effort to relieve the plight of stations. Revision of existing orders relating to repair and maintenance still is under consideration. One deals specifically with tubes and would limit the number of spares in the hands of stations to 100% replacements.

Drawn for BROADCASTING by Sid Hix

"I Understand You're Interested In Hiring An Announcer Who's Draft Exempt?"

BAKER CO-OP PLANS TO DISTRIBUTE DISCS

QUALITY BAKERS of America, a cooperative organization of [illegible] wholesale bakeries, is distributing one-minute transcriptions to its members, for use on local stations as part of a campaign to promote "Flavor-Range Baking", a new concept in baking.

Transcriptions consists of a 40-second humorous dramatization with a jingle featuring Jean Roy, NBC star, and the Jesters trio, and a separate 20-second recording by Warren Sweeney, announcer, advertising the member bakery's products.

Each baking company receives a series of 20 transcriptions for use in a six- to eight-week campaign on local stations. Campaigns started in May. Approximately [illegible] stations are currently carrying the announcements, with more to be added as remaining bakeries place their transcriptions locally.

Quality Bakers prepared material for the transcriptions, with Empire Broadcasting Corp., New York, cutting the discs.

Walter Damm Explains WTMJ Position In Withdrawing From NAB Membership

EDITOR, BROADCASTING:

In all the years that I have read BROADCASTING I have always had the feeling that its staff rather carefully checked statements which they permitted to be published.

The letter which you carried in the current issue of BROADCASTING from Harrison Holliway contained a paragraph referring to a Milwaukee broadcaster — which, as everybody knows, can refer to nobody else but WTMJ and me. Mr. Holliway's statement that WTMJ resigned from the NAB because the NAB refused to reclassify its dues is completely erroneous. The statement issued by WTMJ at the time of its resignation, which took effect long before the California convention, stated our reasons—namely, a complete and utter dissatisfaction with the way the NAB was being operated.

For Mr. Holliway's information—and that of any others to whom attention his letter may have come—the suggested reclassification of dues to which he referred, to the best of my knowledge was adopted by the California convention. While it was originally suggested by the writer it certainly could have had nothing to do with the resignation which became effective long before this subject was brought before the convention.

W. J. DAMM,
General Manager of Radio
June 2 The Milwaukee Journal

Pabst Jive

PABST SALES Co., Chicago (Blue Ribbon beer, on June 1 started a six-weekly half-hour program on WINS, New York, titled *Ralph Cooper & His Jumpin' Jive Music*. Mr. Cooper, radio and stage star, interviews bandleaders whose records he plays on the show, and gives information about them between records. Agency in charge is Lord & Thomas, New York.

Milton Weinberg

MILTON WEINBERG, 38, president of the Milton Weinberg Adv. Co., Los Angeles, died June 4, following a heart attack. In apparent good health he attended a party at Hilcrest Country Club, Los Angeles, the night before where he was stricken. Mr. Weinberg founded the agency together with his brother, Bernard, in 1923. Surviving are his wife and a daughter.

DIF CORP., Garwood, N. J. (Cleaners), has appointed Grey Adv. Agency, New York, and will use spot radio, but no plans have yet been announced.

"IT IS IMPORTANT TO BUILD AND TO MAINTAIN PUBLIC CONFIDENCE IN INDUSTRY"

Says CHARLES R. HOOK, President
THE AMERICAN ROLLING MILL COMPANY

"American industry is all-out to help win this war; yet even as it brings to bear the last ounce of energy and of production it has a building job to do for the future.

"We see it this way: — In the interests of our employees and stockholders we must keep alive a consciousness of our products and services among consumers who use sheet metal goods, as well as among the manufacturers who make them. Not to do this would be to court disaster in the post-war period, as some companies learned after 1919.

"It is important to build and to maintain public confidence in industry. This can be done through advertising by keeping the public informed of industry's tremendous war accomplishments, particularly by pointing out how the products that contributed to 'a standard of living worth fighting for' are being used to win the war and thereby to bring a brighter and happier tomorrow.

"Manufacturers' trademarks and reputations die on the vine unless constantly nourished and, in our scheme of living, no better way has been found to do this than through the intelligent use of helpful, educational advertising."

★ To the great names in American business whose continued advertising is a flaming symbol of faith in America's future . . . whose fortitude in total war adds another shout of defiance to the enemies of free American enterprise and democracy . . . this space is dedicated by The Nation's Station.

WLW

THE NATION'S MOST MERCHANDISE-ABLE STATION